1	IN THE SUPREME COURT OF THE UNITED STATES
2	x
3	UNITED STATES, :
4	Petitioner : No. 12-1371
5	v. :
6	JAMES ALVIN CASTLEMAN :
7	x
8	Washington, D.C.
9	Wednesday, January 15, 2014
10	
11	The above-entitled matter came on for ora
12	argument before the Supreme Court of the United States
13	at 11:05 a.m.
14	APPEARANCES:
15	MELISSA ARBUS SHERRY, ESQ., Assistant to the Solicitor
16	General, Department of Justice, Washington, D.C.; on
17	behalf of Petitioner
18	CHARLES A. ROTHFELD, ESQ., Washington, D.C.; on behalf
19	of Respondent.
20	
21	
22	
23	
24	
25	

1	CONTENTS	
2	ORAL ARGUMENT OF	PAGE
3	MELISSA ARBUS SHERRY, ESQ.	
4	On behalf of the Petitioner	3
5	ORAL ARGUMENT OF	
6	CHARLES A. ROTHFELD, ESQ.	
7	On behalf of the Respondent	29
8	REBUTTAL ARGUMENT OF	
9	MELISSA ARBUS SHERRY, ESQ.	
10	On behalf of the Petitioner	58
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	PROCEEDINGS
2	(11:05 a.m.)
3	CHIEF JUSTICE ROBERTS: We will hear
4	argument next this morning in Case 12-1371, United
5	States v. Castleman.
6	Ms. Sherry.
7	ORAL ARGUMENT OF MELISSA ARBUS SHERRY
8	ON BEHALF OF THE PETITIONER
9	MS. ARBUS SHERRY: Mr. Chief Justice, and
10	may it please the Court:
11	Section 922(g)(9) was enacted to protect
12	battered women and children and to close a dangerous
13	loophole in Federal law that allowed domestic abusers to
14	possess firearms.
15	That loophole existed because many domestic
16	abusers were only convicted of misdemeanor offenses, and
17	the misdemeanor offenses they were most often convicted
18	of were assault and battery crimes.
19	Respondent asks this Court to adopt an
20	interpretation of 922(g)(9) that would indisputably
21	exclude the assault and battery laws of almost all of
22	the 50 States and the District of Columbia. That would
23	render the statute a virtual dead letter from the moment
24	of its enactment until today, and it would leave that
25	dangerous loophole wide open.

- 1 The statutory text does not compel that
- 2 implausible result. To the contrary, this Court
- ordinarily presumes that common law terms of art bear
- 4 their common law meaning, and here, the common law
- 5 meaning of force is a natural fit.
- It makes perfect sense to define a --
- JUSTICE SOTOMAYOR: I -- I'm a little bit
- 8 concerned about going to that common law meaning. Why
- 9 don't you go to what the common law meaning of domestic
- 10 violence is? I thought that was your strongest
- 11 argument. Because isn't that different than just
- 12 violence?
- MS. ARBUS SHERRY: Oh, it certainly is. But
- 14 the connotation of the phrase "domestic violence" is
- very different than the word -- the word "violence"
- 16 standing alone.
- JUSTICE SOTOMAYOR: Exactly.
- MS. ARBUS SHERRY: And it's certainly
- different than "violent" when it's modifying the word
- 20 "felony." Domestic violence describes a broad spectrum
- 21 of abusive behavior --
- JUSTICE SOTOMAYOR: Misdemeanor domestic
- 23 violence.
- MS. ARBUS SHERRY: Misdemeanor crime of
- domestic violence. So both the word "misdemeanor" and

- 1 the phrase "domestic violence" is a broad spectrum of
- 2 abusive behavior. It's characterized by a pattern of
- 3 escalating abusive conduct. It may start with something
- 4 like emotional abuse, include isolating the person from
- 5 friends and family, include threats of violence,
- 6 threatening to take away the kids. And it --
- JUSTICE SCALIA: Are threats of violence
- 8 domestic violence?
- 9 MS. ARBUS SHERRY: They are, not in this --
- 10 not with respect to this particular statute.
- JUSTICE SCALIA: I hope not. I hope not.
- MS. ARBUS SHERRY: No, in this particular
- statute, Congress focused on a particular form of
- domestic violence. It's well-accepted within the
- 15 community that threats are a form of domestic violence,
- 16 but Congress here --
- 17 JUSTICE SCALTA: Do we have to think that
- domestic violence is different from violence? Wouldn't
- 19 the simple term "violence," without the "domestic"
- adjective cover any physical abuse that causes harm?
- MS. ARBUS SHERRY: It would, but, I mean,
- 22 domestic violence -- my point here is that domestic but
- violence has a different connotation, even if you were
- to move away from the phrase "domestic violence," Your
- Honor, this statute does talk about misdemeanor crimes

- 1 of domestic violence, and that's the term that we are
- 2 defining here.
- In Johnson, this Court recognized that it
- 4 normally does presume that common law terms of art bear
- 5 their common law meaning, and if --
- 6 JUSTICE SCALIA: If I punch somebody in the
- 7 nose, is that violence?
- 8 MS. ARBUS SHERRY: I'm sorry, if you punch
- 9 somebody in the nose?
- JUSTICE SCALIA: If I punch somebody in the
- 11 nose.
- MS. ARBUS SHERRY: Yes, that is violence.
- JUSTICE SCALIA: Okay. So do you have to
- 14 have a special rule for if I punch my wife in the nose?
- MS. ARBUS SHERRY: No, and we're not
- 16 arguing --
- JUSTICE SCALIA: Any physical action that
- 18 hurts somebody is violence, isn't it?
- MS. ARBUS SHERRY: It certainly is, and we
- are not arguing for a special rule here. What we're
- 21 saying is that --
- JUSTICE SOTOMAYOR: How about pinching or
- biting, hair pulling, shoving, grabbing, hitting,
- slapping; would those be violence or would they be
- domestic violence if you are doing it against a spouse?

- 1 Would they in all situations be violence?
- MS. ARBUS SHERRY: If you are doing it
- 3 against a spouse it is domestic violence, but I'm not
- 4 sure it is any different. And the reason that domestic
- 5 violence is different is because it is different than
- 6 stranger/unstranger violence. These are not isolated
- 7 instances. This is a pattern of abusive behavior, and
- 8 it may start with more slight injuries. It may start
- 9 even without any physical violence at all.
- 10 CHIEF JUSTICE ROBERTS: I don't understand
- 11 that point. Are you saying the first episode of
- 12 domestic violence wouldn't qualify? You keep talking
- about a pattern of behavior. I assumed your argument
- would be the same if it is the very first incident of
- 15 misdemeanor domestic violence.
- MS. ARBUS SHERRY: It -- it certainly would
- be the same as long as it fit within the scope of that
- 18 statute.
- 19 CHIEF JUSTICE ROBERTS: Why are you talking
- 20 about -- why are you talking about patterns of domestic
- violence?
- MS. ARBUS SHERRY: Only to focus on what
- 23 Congress was doing here. Congress recognized what
- domestic violence was and it wanted to intervene at an
- early stage before the violence escalated and certainly

- 1 before it turned deadly, before the offender reached for
- 2 a gun.
- And the fatal flaw in Respondent's argument
- 4 is it doesn't accomplish any of those objectives.
- 5 Respondent acknowledges that Congress passed a statute,
- 6 and it intended to accomplish something. It intended to
- 7 close the dangerous loophole. It intended to take guns
- 8 away from people who beat and batter their wives.
- 9 Respondent cannot explain --
- JUSTICE GINSBURG: I have no problem with
- the description of what Congress had in mind, routine
- 12 conduct that was prosecuted only as a misdemeanor. But
- 13 the -- the words that Congress used has, as an element,
- 14 the use of physical force. Under the Tennessee statute,
- 15 as I understand it, you don't have to have physical
- 16 force. You have to cause bodily injury to another,
- which can be caused by a means other than physical
- 18 force.
- 19 MS. ARBUS SHERRY: And our view is that it
- 20 cannot be caused by a means other than physical force,
- 21 if you understand the definition of physical force at
- 22 common law. At common law, physical force included not
- only direct uses of force by the aggressor himself, but
- 24 also indirect or subtle uses of force. So things like
- poisoning, for example, were considered to involve the

- 1 use of physical force at common law.
- 2 Respondent doesn't dispute that
- 3 understanding of common law at page 40 of their brief.
- 4 Instead, what they ask this Court to do is to depart
- 5 from that common law meaning with respect to the
- 6 statute. The Court normally does presume that common
- 7 law terms of art bear their common law meaning, and
- 8 there is no basis to depart here.
- 9 This case is quite different from Johnson in
- 10 that respect. In Johnson, the Court was defining a very
- 11 different term, violent felony, and it concluded that
- 12 because misdemeanor -- rather because battery was a
- 13 misdemeanor crime both at common law and today, that it
- would be a comical misfit to adopt a definition of force
- that was used in the context of a misdemeanor and apply
- 16 it to a felony offense.
- JUSTICE SCALIA: Maybe I am missing
- something here, but I thought Justice Ginsburg's
- 19 question was not addressed to the Federal statute, but
- 20 to the Tennessee statute.
- JUSTICE GINSBURG: Yes.
- 22 JUSTICE SCALIA: And it's the Federal
- 23 statute that uses physical force, right? What does the
- 24 Tennessee statute say?
- MS. ARBUS SHERRY: The Tennessee statute

- 1 talks about causing bodily injury --
- JUSTICE SCALIA: Causing bodily injury.
- MS. ARBUS SHERRY: -- but you cannot cause a
- 4 bodily injury without using physical force, and that is
- our point. There are different gradations of force --
- 6 CHIEF JUSTICE ROBERTS: I'm sorry, you
- 7 cannot cause bodily injury without using physical force?
- 8 MS. ARBUS SHERRY: You cannot intentionally
- 9 cause bodily injury without using physical force.
- 10 CHIEF JUSTICE ROBERTS: So if the victim is
- at the top of the stairwell and you go "boo," and he or
- she falls down and is injured, is that physical force?
- MS. ARBUS SHERRY: It is physical force.
- 14 It's not -- and I am talking about intentional conduct
- 15 here. It is not physical force from the aggressor
- himself, but it is physical force when that individual
- 17 hits the ground at the bottom of the stairs, and that is
- 18 how common law understood the term.
- 19 If that were not the case, crimes like
- 20 murder, for example, would not have as an element the
- 21 use of physical force. Crimes like murder, crimes like
- 22 aggravated assault, that, like battery here, are defined
- 23 in terms --
- JUSTICE KENNEDY: You take the position that
- the person with the camera says, "Back up two steps," so

- 1 that the other person falls over the cliff, that's
- physical force?
- MS. ARBUS SHERRY: Instances where it is
- 4 intentional, absolutely, because it includes not only,
- 5 again, direct applications by the aggressor, but when
- 6 the aggressor sets something in motion and causes
- 7 physical force to act against the person of another.
- 8 CHIEF JUSTICE ROBERTS: So it's not a
- 9 limiting term at all. Anytime anything happens, you
- 10 would say there is physical force involved.
- MS. ARBUS SHERRY: If there is bodily
- 12 injury. And that's -- here, the Tennessee statute
- 13 requires there to be bodily injury. Respondent here was
- 14 convicted --
- 15 CHIEF JUSTICE ROBERTS: So if I did the same
- thing to two different people and one is injured and the
- other isn't, I am using physical force one time but not
- 18 the other time?
- MS. ARBUS SHERRY: You are using physical
- 20 force one time and not the other time because there is
- 21 the actual physical force being applied against the
- 22 person of another, and contrary --
- 23 CHIEF JUSTICE ROBERTS: Where is the actual
- 24 physical force being applied?
- MS. ARBUS SHERRY: When the person is

- 1 injured, when the person hits the ground.
- 2 CHIEF JUSTICE ROBERTS: Okay. So if they
- 3 bump against the wall and that injures somebody but
- 4 doesn't injure another person, it's use of physical
- 5 force in one case but not the other?
- 6 MS. ARBUS SHERRY: I take that back, I
- 7 didn't realize they both hit the wall. If they both hit
- 8 the wall, yes, that involves the use of physical force,
- 9 but --
- 10 CHIEF JUSTICE ROBERTS: But only one was
- 11 injured.
- MS. ARBUS SHERRY: And then they wouldn't be
- covered by the Tennessee statute. The Tennessee statute
- 14 requires the intentional causation of bodily injury.
- 15 And if I could go back to the murder example, I think
- that reveals why a contrary interpretation doesn't work
- 17 here. Crimes like murder are defined in terms of
- 18 results of an intentional killing, it doesn't matter how
- 19 that killing occurred. And under Respondent's view,
- 20 murder, the quintessential violent crime, would not have
- 21 as an element the use of physical force. Now,
- 22 Respondent doesn't dispute that. He says it doesn't
- 23 matter, because murder is a felony and felons can't have
- 24 guns anyway.
- 25 CHIEF JUSTICE ROBERTS: I'm sorry. I -- I'm

- 1 having trouble grasping the concept. If somebody is
- 2 lying down and somebody goes behind them and says boo
- 3 and they have a heart attack and die, is that physical
- 4 force?
- 5 MS. ARBUS SHERRY: I -- I think that's --
- 6 that may be a bit different. The way the common law --
- 7 and we're going back to the common law on this. The way
- 8 the common law described it is it included direct force.
- 9 It included indirect force. It included any time that
- 10 the aggressor intentionally set something in motion that
- 11 caused force to be used; in other words, directed
- 12 something to act according to the -- the individual's
- 13 will.
- And so at common law, for example, it would
- 15 not distinguish between a husband who hits his wife, a
- 16 husband who whips his wife with a belt, a husband who
- poisons his wife, whether he shoots at his wife with a
- 18 gun or whether he lures her into the middle of the
- 19 street so she's -- so that she's hit by an oncoming bus.
- 20 At common law, all of those different -- all of those
- 21 different examples of conduct were forms of common law
- 22 battery.
- 23 CHIEF JUSTICE ROBERTS: But it might not
- include scaring the person and the person having a heart
- 25 attack.

- 1 MS. ARBUS SHERRY: I'm not sure if the
- 2 common law would include that. And our argument here is
- 3 that if it was common law battery, that it would be
- 4 included within the scope of this statute, because the
- 5 common law defined battery as the unlawful use -- or
- 6 unlawful application of force and that's precisely how
- 7 Congress chose to define misdemeanor crime of domestic
- 8 violence.
- 9 JUSTICE SCALIA: So your position is
- 10 whenever -- whenever somebody is injured by reason of
- 11 the intentional act of somebody else, that has been an
- 12 application of violent force.
- MS. ARBUS SHERRY: That has been an
- 14 application of violent force. That is our position.
- 15 That was the position at -- at common law, although
- 16 common law didn't require violent force.
- JUSTICE SOTOMAYOR: Not violent force.
- MS. ARBUS SHERRY: And we don't --
- 19 JUSTICE SOTOMAYOR: The statutory term is
- 20 physical force.
- MS. ARBUS SHERRY: Right. And we -- we
- 22 obviously do not think violent force is required here,
- 23 but we think whether or not violent force is required,
- that yes, the intentional causation of bodily injury
- does require the use of force.

- 1 And if I could try again to go back to the
- 2 murder example. If you look at, for example, a Federal
- 3 statute, 18 USC 373(a), we cite this at page 15 of our
- 4 reply brief, it is solicitation to commit a crime of
- 5 violence and it uses language very similar to the
- 6 language we have here in that it requires the felony
- 7 that has as an element the use of physical force.
- Now, we use that statute to prosecute
- 9 murder-for-hire cases, cases in which individuals
- 10 solicit the murder of Federal officials, of Federal
- 11 lawyers, of Federal judges.
- 12 Under Respondent's interpretation, those
- offenses cannot be prosecuted under that statute because
- 14 murder would not have as an element the use of physical
- 15 force. That defies common sense. And it's not just
- 16 murder. Things like aggravated assault, aggravated
- battery causing serious bodily injury would not count
- under Respondent's view under a variety of different
- 19 statutes, including the Armed Career Criminal Act.
- Violent acts like -- against a person like
- 21 murder, like aggravated assault, are precisely what
- 22 Congress intended to cover under the -- as an element
- 23 clause in a variety of different statutes, including the
- 24 Armed Career Criminal Act.
- In coming back to this particular statute,

- 1 922(g)(9) again was intended to accomplish something,
- 2 and Respondent's interpretation would read all meaning
- out of its statute. It would be inoperative nationwide.
- 4 Respondent does not dispute that. He comes
- 5 up with perhaps 6 States that may have assault and
- 6 battery laws that may be covered under his definition.
- 7 On further inspection, most of them are not covered
- 8 under his definition. But even accepting that a few
- 9 States remain, Congress did not pass this statute to
- 10 ensure that domestic abusers are disarmed in Idaho, in
- 11 New Mexico, in Utah and those that happen to strangle
- 12 their wives in Iowa. Congress was trying to solve a
- 13 nationwide problem, a serious problem. As the Court
- 14 recognized in Hayes, domestic strife and guns are deadly
- 15 nationwide, and Congress wanted to solve that problem
- 16 with a nationwide solution.
- 17 JUSTICE SCALTA: Wait. Domestic strife? T
- mean, my goodness. All we have to find is domestic
- 19 strife?
- MS. ARBUS SHERRY: No, that's not what
- 21 I'm --
- JUSTICE SCALIA: Whenever there's domestic
- 23 strife, guns are dangerous?
- MS. ARBUS SHERRY: That -- that is not what
- 25 I'm saying. What I'm saying is --

- JUSTICE SCALIA: Clearly, that's not what
- 2 Congress had in mind.
- MS. ARBUS SHERRY: Congress certainly had in
- 4 mind assault and battery offenses.
- JUSTICE SCALIA: Okay.
- 6 MS. ARBUS SHERRY: The quintessential
- 7 domestic violence --
- JUSTICE SCALIA: I don't know why you have
- 9 to tie this to domestic -- domestic violence. Why do
- 10 you -- it's no different from physical abuse of anybody
- 11 else.
- MS. ARBUS SHERRY: In this statute, Congress
- was focused specifically on people who harm their family
- members, the very people that they're supposed to
- protect. And the problem that Congress was trying to
- solve is because these were family members, these
- individuals were often not prosecuted as felons, they
- were prosecuted and convicted of misdemeanors offenses;
- 19 and that is why they were able to get a gun.
- When Congress passed this statute, it sought
- 21 to close that loophole. It was well accepted that
- 22 assault and battery offenses are the types of offenses
- that domestic abusers are most often convicted of.
- JUSTICE ALITO: And one of Respondent's
- arguments is that Congress may have enacted this on the

- 1 assumption that we were not going to go off with this
- 2 modified categorical approach that we have created. Is
- 3 that correct?
- 4 MS. ARBUS SHERRY: I don't think it can be,
- 5 because I think the Court has adopted both the
- 6 categorical approach and its modified categorical
- 7 variant, largely at least starting in Taylor, as a means
- 8 of statutory interpretation. And so it seems odd to me
- 9 to say that the enacting Congress would have been
- 10 surprised when a court actually interpret the statute
- 11 according to Congress's intent. It chose element
- 12 language in the statute.
- And Respondent certainly does not argue that
- 14 courts shall be plying -- applying a fact-based
- 15 approach. That's not what this Court said in Hayes.
- 16 And so if you think Congress didn't enact a fact-based
- approach, it seems a little bit odd to say that Congress
- 18 may have thought that is actually what it did in this
- 19 case. And Respondents do not dispute that the modified
- 20 categorical approach wouldn't mitigate any of the
- 21 practical harms here.
- Respondent's argument is not specific to
- offensive touching statutes and includes the statute we
- have here, which is a bodily injury statute. If you
- look at the laws of all -- nearly all 50 States, it's

- one of the two variants. It's either offensive touching
- or bodily injury, and in most cases both. And
- 3 Respondent's --
- 4 JUSTICE KAGAN: Can I ask you about that Ms.
- 5 Sherry? If -- I mean, suppose we accepted your argument
- 6 as to bodily injury, but offensive touching just went
- 7 too far. What happens? How are the laws of the 50
- 8 States constructed? Are we going to have -- are you
- 9 going to have, a terrible difficulty prosecuting real,
- 10 you know, punch-in-the-nose kinds of incidents of
- 11 physical violence, because there are indivisible
- 12 statutes that apply to both?
- MS. ARBUS SHERRY: Well, you're going to
- 14 have real difficulty prosecuting in about 28 States and
- the District of Columbia. 28 States and the District of
- 16 Columbia define their assault and battery laws with
- 17 reference to common law battery. And in those States,
- 18 there will -- the first question will be whether or not
- 19 the statutes are divisible. Some of them are codified
- in the statute; some are still common law crimes that
- 21 are defined by the courts in those States. So --
- JUSTICE KAGAN: Well, presumably, if they're
- divisible, you don't have a problem. The only time
- you're going to have a problem -- and, again, I'm
- assuming that the Court will say physical touching goes

- too far, that that's not included under 922. So you'll
- 2 have a problem as to any State statute that indivisibly
- 3 makes illegal both -- both offensive touching and more
- 4 violent forms of activity. How many statutes are like
- 5 that?
- 6 MS. ARBUS SHERRY: It -- it depends on what
- 7 you mean by -- by divisible. And I think that's going
- 8 to depend in part on -- on case law in those States as
- 9 to whether they treat them as separate crimes, in other
- words, separate elements, or whether they treat them of
- 11 different -- different means of --
- 12 JUSTICE SCALIA: Well, how many -- how many
- include? Just how many include mere touching as --
- MS. ARBUS SHERRY: 28 States and the
- 15 District of Columbia include mere touching. And even if
- the statutes were divisible, we would still have a
- serious problem, because in a lot of those States, the
- 18 State record is not going to make it clear the basis for
- 19 the conviction.
- That was true in Johnson. Florida was a
- 21 statute that had different prongs, including bodily
- 22 injury and offensive touching. The reason the court in
- Johnson focused on offensive touching was because the
- 24 State court record there did not make clear the basis
- 25 for conviction. It was true in Hayes with respect to

- 1 the West Virginia statute. And if you look at most of
- 2 the court of appeals decisions that have dealt with this
- 3 issue, it is true in many of those cases as well. It is
- 4 certainly common for States to charge the least common
- 5 denominator. Now, just because someone --
- 6 JUSTICE SCALIA: Well --
- JUSTICE KAGAN: Of the 28 States, if I could
- 8 just understand this --
- 9 MS. ARBUS SHERRY: Sure.
- JUSTICE KAGAN: Of the 28 States, how many
- 11 separated out on the face of the statute as between --
- MS. ARBUS SHERRY: I believe --
- JUSTICE KAGAN: -- offensive touching and
- 14 bodily injury?
- MS. ARBUS SHERRY: I think there's 14 that
- separated out on the face of the statute, and 14 that
- 17 are -- are common law. Whether those -- those --
- whether those States actually separated out in terms of
- 19 the case law, I'm not entirely sure.
- JUSTICE SCALIA: What do you want us to do
- 21 with those 14 that don't separate it out? And let's
- 22 assume the case law doesn't -- what do you want us to
- do? Are they covered by this statute or not?
- MS. ARBUS SHERRY: Well, we -- yes. We
- 25 think they are -- we think they are all covered by this

- 1 statute, because we think that violent force is not
- 2 required, which is our -- our first argument in this
- 3 case.
- 4 JUSTICE SCALIA: Just touching. Just
- 5 touching, is it --
- 6 MS. ARBUS SHERRY: Just touching is. And
- 7 we -- and the reason just touching is, as this Court
- 8 recognized in Johnson, is that was the common law
- 9 meaning of force. In this statute, common -- Congress
- 10 did track the common law and adopted the common law
- definition of battery. And in a statute that's designed
- 12 to protect battered women, in a statute that's dealing
- with domestic abusers who are routinely prosecuted under
- 14 assault and battery laws, and in a statute that does
- track the common law definition of battery, it makes
- 16 perfect sense to adopt the common law meaning.
- JUSTICE ALITO: Well, I realize that in this
- area we're supposed to forget anything about what we
- might actually know about the real world, but are there
- really a lot of cases in which one spouse is convicted
- 21 for offensive touching of another spouse? If I search
- the books, will I find these?
- MS. ARBUS SHERRY: I think you will find
- 24 cases in which that's what the statute says. I do not
- 25 think you will find --

1 JUSTICE ALITO: Where the facts --2 MS. ARBUS SHERRY: I do not think --3 JUSTICE ALITO: -- are that there is nothing 4 more than an offensive touching? 5 MS. ARBUS SHERRY: No, I don't think you 6 will find cases where a husband tickled his wife with a 7 feather or tapped his wife on the shoulder for a 8 couple --9 JUSTICE KAGAN: How does marital rape figure 10 in this? In a -- is a marital rape considered a bodily 11 injury, or is that actually -- could that fall under the 12 offensive touching? 13 MS. ARBUS SHERRY: I don't know the 14 answer -- I don't know the answer to that. I don't know 15 whether they're prosecuted under these particular 16 statutes, or whether they would be prosecuted under rape 17 statutes. Either -- I'm not entirely sure which it 18 would be, but I think it certainly is true if you looked 19 at the case law in terms of the facts, you're not going 20 to find examples of someone tapping their wife on the 21 shoulder. You're not going to find examples of someone 22 tickling their wife with a feather. 23 I mean, these are wife beaters. These are 24 people who are abusing, who are battering, who are 25 violently injuring those people that they are supposed

- 1 to care for, that they're supposed to protect, that
- 2 they're supposed to love.
- I think it's telling that Respondent can
- 4 only cite to one case in Tennessee that was prosecuted
- 5 under the bodily injury assault statute, and he says
- 6 that that is the one case that shows that Tennessee
- 7 prosecutes nonviolent offenses.
- 8 There, the man punched his father, strangled
- 9 him, swatted at, scratched at his mother, twisted his
- wife's arm, knocked her to the ground, all the while
- 11 holding their baby in his arms. If that is the example
- of the nonviolent conduct that is being prosecuted under
- 13 Tennessee domestic assault, I think it proves Congress's
- 14 point and it explains why Congress did not want that
- individual to have a gun at the ready so that he could
- pick it up in the middle of a domestic dispute and pull
- the trigger.
- JUSTICE KENNEDY: It's strictly background
- 19 information, but if you have a case of domestic violence
- of the aggravated sort, and there's a plea -- an offer
- 21 to plead guilty in the State court, as you understand
- 22 it, does the State court have the obligation to say that
- 23 if you plead guilty to this crime, you cannot buy a
- weapon? Does the State court have the obligation to
- 25 give that advice?

- 1 MS. ARBUS SHERRY: Not as a matter of
- 2 Federal law, but if I can give two qualifications on
- 3 that. In 2005, VAWA passed an amendment that, as a
- 4 condition of funding, said that States need to adopt a
- 5 judicial policy to provide that notice. So it's not as
- 6 a matter of Federal law. It's not required, but States
- 7 are encouraged to do so under VAWA to adopt those --
- 8 those provisions. And I believe that all 50 States have
- 9 now done that.
- The other thing I would point out is that
- 11 when an individual goes in to purchase a weapon, he
- 12 fills out a form, an ATF form, 4473. And on that form,
- 13 he has to check off whether or not he has been convicted
- 14 of a misdemeanor crime of domestic violence. And the
- form contains a definitional section, and in that
- 16 section it defines a misdemeanor crime of domestic
- violence as a crime that has as an element the use or
- 18 attempted use of physical force, and then in parentheses
- it says, e.g., assault and battery.
- 20 And so any individual who goes to purchase a
- 21 weapon -- Respondent here, had he gone to purchase the
- 22 weapons himself instead of having his wife do it, would
- have seen that form and certainly would have been on
- 24 notice that his misdemeanor domestic assault offense is
- 25 a misdemeanor crime of domestic violence.

- And Respondents -
  CHIEF JUSTICE ROBER
- 2 CHIEF JUSTICE ROBERTS: But doesn't that
- 3 assume the conclusion of the case?
- 4 MS. ARBUS SHERRY: I'm not suggesting that
- 5 that's how -- that the Court should decide that legally,
- 6 but in terms -- if there is any concerns about notice,
- 7 what I'm saying is that the ATF form that individuals
- 8 fill out when they go to purchase a weapon specifically
- 9 refers to assault and battery, and there's a good reason
- 10 for that. It's because assault and battery are the
- 11 quintessential domestic violence crimes, and they're
- 12 allowed --
- JUSTICE SCALIA: How do we get to the common
- law meaning of "force"? I mean, the statute does --
- 15 Federal statute doesn't say that, right? The Federal
- 16 statute says convicted of a misdemeanor crime of
- domestic violence, right?
- 18 MS. ARBUS SHERRY: And it -- and it defines
- 19 what that means. So it defines a misdemeanor crime of
- domestic violence, and this is at 921(a)(33)(A). It's
- on 1A of the government's brief. And the way it defines
- 22 misdemeanor crime of domestic violence is, "A
- 23 misdemeanor under Federal, State, or tribal law and has
- 24 as an element the use or attempted use of physical
- force, or the threatened use of a deadly weapon."

- 1 JUSTICE KAGAN: Of course, that's the same
- 2 language as was in Johnson, but you would be asking us
- 3 to apply it differently here.
- 4 MS. ARBUS SHERRY: It is very similar
- 5 language to Johnson. Certainly the use of physical
- force language is the same. And yes, we would be asking
- 7 for an interpret -- a different interpretation here.
- 8 Johnson expressly left this question open. In Johnson,
- 9 the government argued that an interpretation requiring
- violent force would be a real problem with respect to
- enforcement of 922(g)(9). And when we said it would be
- 12 a real problem there, it was with respect to the
- offensive touching states.
- 14 JUSTICE SOTOMAYOR: Johnson relied on a
- 15 number of things, but the two were the use of felony and
- 16 the use of the word "violent force," which is not what
- 17 this statute does. It just -- it uses a common law
- term, the use of physical force. That's why you are
- 19 asking us to import the common law in this context.
- MS. ARBUS SHERRY: In Johnson, ACCA does
- 21 also use "physical force." This Court read physical
- 22 force to mean violent physical force, but the reason it
- 23 read that to mean violent physical force was the two
- reasons Your Honor mentions, the fact that it was a
- 25 felony definition there, and the fact that it included

- 1 the word "violent," not only standing alone, but violent
- 2 defining the word "felony."
- JUSTICE SOTOMAYOR: You're asking us to use
- 4 the terms in their common law sense because of the
- 5 nature of this -- of this provision.
- 6 MS. ARBUS SHERRY: Because of the nature of
- 7 this provision. Because of the term that is being
- 8 defined in Johnson, the Court relied heavily on the fact
- 9 that the term being defined there was "violent felony."
- 10 And when it --
- 11 JUSTICE SCALIA: Yes, of course. In
- 12 interpreting the meaning of a term in the definition,
- 13 you take into account the term that that definition is
- defining. And in Johnson we did that, and we always
- 15 ought to do it.
- 16 And here the term that the definition which
- uses the term "physical force" is defining is "domestic
- 18 violence." And to give "force" in that context its
- 19 common law meaning, which would include the mere
- 20 touching, it seems to me is -- is an abuse of the
- 21 principle that the defining term must be -- must be
- interpreted in the context of the term that is being
- 23 defined.
- MS. ARBUS SHERRY: Your Honor, if I could
- answer quickly, and then reserve the balance of my time,

- 1 I'd point out two different things. In addition to the
- 2 phrase "domestic violence," which we think does have a
- different connotation, it is referring to a misdemeanor
- 4 crime of domestic violence, and a misdemeanor is quite
- 5 distinct from a felony when you're talking about a
- 6 definition that was used as misdemeanor at common law.
- 7 And the last --
- 8 JUSTICE SCALIA: It distinguishes Johnson,
- 9 but it doesn't get rid of the word "violence," which
- 10 is -- which is what is being defined.
- MS. ARBUS SHERRY: And I think it does --
- 12 JUSTICE SCALIA: You are saying violence is
- being defined as a mere touching. I think that's a
- 14 stretch.
- MS. ARBUS SHERRY: Again, I think domestic
- violence has a different connotation, and it's also a
- 17 fundamentally different statutory scheme. This is not
- 18 ACCA. This is a gun prohibition.
- 19 CHIEF JUSTICE ROBERTS: Thank you, counsel.
- Mr. Rothfeld.
- ORAL ARGUMENT OF CHARLES A. ROTHFELD
- 22 ON BEHALF OF THE RESPONDENT
- MR. ROTHFELD: Thank you.
- 24 Mr. Chief Justice, and may it please the Court:
- I think the central point is one which was

- 1 raised by Justice Scalia's last question. The
- 2 government simply pays no attention to the language of
- 3 the statute that's at issue here. The statute is a
- 4 crime of violence. The government says that this act of
- 5 violence, this crime of violence, can be committed
- 6 without someone actually --
- JUSTICE SOTOMAYOR: You're suggesting that
- 8 you can commit a crime of violence because you have to
- 9 use violent force. You could commit it simply by using
- 10 an automatic weapon that requires no force to pull the
- 11 trigger. You're suggesting poisoning isn't covered.
- 12 You're suggesting that anything -- that the force has to
- 13 be how we defined it in Johnson, which is a given.
- But when the misdemeanor -- when the -- when
- 15 the State -- when this exemption uses the words or this
- 16 requirement uses the word "misdemeanor domestic
- violence, "why should we stray from the common law
- 18 there?
- MR. ROTHFELD: Well, there are a couple of
- things there, and let me try to unpack it. First of
- 21 all, there are two separate textual problems with the
- 22 government's approach here. One is it is ignoring the
- ordinary meaning of the word "violent" and "force."
- 24 Second is it's ignoring the ordinary meaning of the word
- "use," and when you raise the question of poisoning

- 1 someone, the government suggests that if someone is --
- if poison is sprinkled on their food, you have used
- force because at the molecular level, the poison is
- 4 going to --
- 5 JUSTICE SOTOMAYOR: It certainly causes
- 6 injury.
- 7 MR. ROTHFELD: There's no question it causes
- 8 injury. But --
- 9 JUSTICE SOTOMAYOR: Pushing someone lightly
- over a cliff causes a lot of injury. Do you seriously
- think that Congress didn't intend to include that common
- 12 law meaning of the use of force in their definition of a
- misdemeanor for domestic violence?
- MR. ROTHFELD: Well, again, let me focus
- on -- there are two separate arguments. The question of
- 16 whether use of force -- whether force was used in the
- ordinary sense is a separate question. The question of
- whether or not physical force, violent physical force,
- 19 has ordinary meaning and whether -- as opposed to -- to
- the common law meaning of battery is a separate
- 21 question.
- Focusing on that first, clearly, we think
- 23 Congress intended to adopt in this statute the same
- definition of physical force and of violent force as it
- 25 did in the Armed Career Criminal Act, which is before

- this court in Johnson, because it used almost exactly
- 2 the same language.
- 3 Something that the government really doesn't
- 4 talk about at all is that the language in this statute
- 5 is based directly on the language used in ACCA and the
- 6 language previous to that, which is used in 18 USC
- 7 Section 16, the generic definition of crime of violence.
- 8 Congress took that definition and it put it in the
- 9 statute.
- 10 It modified it in one respect, in a way
- 11 which I think is quite helpful to us. It -- it -- it
- 12 narrowed the category of crimes that are covered here.
- 13 Under the -- the ACCA definition, it -- a violent felony
- 14 is a crime that involves the use, attempted use, or
- threatened use of physical force. Our statute says the
- use, attempted use of physical force or a threatened use
- 17 of --
- JUSTICE BREYER: Excuse me. If you look at
- the history of it, it's certainly true that Congress did
- intend to get misdemeanor domestic felonies. That's
- 21 what they said. And as it works out in the States, if
- 22 you take the same definition in, there would be very,
- 23 very few States with misdemeanors of domestic violence
- that would be covered.
- MR. ROTHFELD: Well, let me say --

- 1 JUSTICE BREYER: I can't believe that
- 2 Congress wanted to write a statute that did so little.
- MR. ROTHFELD: Well, first --
- 4 JUSTICE SCALIA: It wouldn't be the first
- 5 mistake of course, right? It wouldn't be the first
- 6 mistake Congress has made.
- JUSTICE BREYER: Some people who don't read
- 8 legislative history don't know that, but if you did read
- 9 the legislative history, you would see that they do want
- 10 to have an effect with this statute.
- MR. ROTHFELD: Well, I -- I will agree with
- 12 sort of both of those -- that Congress does make
- 13 mistakes. But Congress certainly intended to accomplish
- 14 something here. Let me say --
- JUSTICE BREYER: Well, in your reading, what
- 16 would it have accomplished?
- MR. ROTHFELD: First of all, what Congress
- 18 meant to accomplish here is -- I have to take issue with
- 19 my friend Ms. Sherry. I don't think what Congress meant
- to accomplish here was to incorporate the common law
- 21 definition of assault. What -- Congress was quite
- 22 clear, if you do look at the legislative history, what
- they were concerned about was that people who engaged in
- violent conduct, and every member of Congress who spoke
- to this talk about stopping violent people from

- 1 getting -- getting guns, people who were wife beaters or
- 2 batterers, and --
- JUSTICE BREYER: I agree with you. I agree
- 4 with you on the tough -- what they were thinking. But
- 5 now what I want to know, and you've read all these
- 6 briefs and -- and you've actually done a lot of work on
- 7 this. So -- so if you adopt your definition, you know,
- 8 making them parallel, how many State domestic violent
- 9 misdemeanor statutes, in how many States would this
- 10 cover it, in your opinion?
- MR. ROTHFELD: Well, if I can, let me finish
- 12 my answer to your -- to your prior question.
- JUSTICE BREYER: Please.
- MR. ROTHFELD: It's exactly what Congress
- 15 had in mind here, and I think we do agree with the
- 16 government on this, that Congress perceived a loophole
- in the law at the time because the firearm restriction
- 18 at the time applied only to felons and people who
- engaged in violent conduct, as Senator Lautenberg, the
- 20 principal sponsor said, that because of the outdated
- thinking by prosecutors, people who engaged in violent
- 22 conduct are to be prosecuted against as a felony, if
- 23 committed against somebody else, was prosecuted as a
- 24 misdemeanor because a family member was the victim.
- 25 And so Congress wanted to close that

- 1 loophole by saying people who engage in this kind of
- 2 violence against a family member could not escape. And
- 3 so violent misdemeanors were directed -- were defined
- 4 here. And -- and as Senator Wellstone very graphically
- 5 put it, if you beat your neighbor's wife or batter your
- 6 neighbor's wife, that's a felony. If you beat or
- battery your wife or your child, that's a misdemeanor,
- 8 and we have to get past that.
- 9 So that's what they were trying to do. They
- were not trying to broaden the category of conduct that
- 11 was being criminal. They were trying to say that if you
- 12 engaged in violent conduct that would be -- would be
- treated as a felony if committed against somebody else,
- 14 you don't get off the hook because you did it against a
- 15 family member.
- 16 As to which statutes are affected by --
- which State statutes remain as predicates, I think it's
- 18 not entirely clear. The government focuses in its
- 19 statutory appendices on the generic definitions of
- 20 assault. I think even as to some of those, under a
- 21 modified categorical approach some of them would --
- would satisfy the statutory standard. And for
- 23 example --
- JUSTICE SCALIA: Even if they wouldn't, once
- 25 again, Congress may have miscalculated. It may have

- 1 thought that this language, which it -- which intended,
- 2 as you have described, would cover a lot of State
- 3 statutes. As it turns out, it didn't. And that
- 4 wouldn't be the first congressional statute that didn't
- 5 achieve what it thought it was going to achieve, right?
- 6 MR. ROTHFELD: That -- that is absolutely
- 7 right as an example, Your Honor. But if that were the
- 8 case -- and I'll get back to you specifically, Justice
- 9 Breyer, but if -- but if that were the case, the answer
- 10 cannot be that -- that we solve this problem by
- 11 extending Federal criminal penalties to people who lie
- 12 outside the plain terms of the statute that Congress
- enacted and who engaged in conduct --
- JUSTICE GINSBURG: So in your view, and I
- think you said this in your brief, but what constitutes
- 16 violent conduct? So you said not scratching, not
- bruising, not slapping.
- 18 MR. ROTHFELD: Well, it -- I wouldn't
- 19 categorically say that those things do not qualify.
- What I would say, in Johnson, this Court did not define
- 21 specifically what violent force means. And the Court
- 22 did say that the same language that appears in this
- 23 statute was construed in Johnson and the court there
- said it required violent force, substantial force, as to
- 25 what --

- JUSTICE KAGAN: Mr. Rothfeld, I thought that
- what Johnson said, it defined physical force as force
- 3 capable of causing physical pain or injury to another
- 4 person. It didn't say anything about serious pain or
- 5 grievous injury. It just said force capable of causing
- 6 physical pain or injury to another person. That's what
- 7 Johnson said. Why would we adopt a different approach?
- 8 MR. ROTHFELD: Well, I think Johnson had no
- 9 occasion to -- to specify what level of force was
- 10 necessary, what level of pain. Johnson --
- JUSTICE KAGAN: No. I mean, it specified it
- 12 is not involving any level, that -- that there was no
- inquiry into level. It's force capable of causing
- 14 physical pain or injury to another person.
- MR. ROTHFELD: But --
- 16 JUSTICE KAGAN: That's the clear standard in
- the holding.
- 18 MR. ROTHFELD: I guess I would have to
- 19 respectfully suggest that the way I read Johnson is
- 20 to -- is to say that it was enough for the Court to
- 21 decide that case to say that defensive touching, that
- mere touching was not enough, that something more than
- that is required. And violent force, substantial force
- is required, and force requiring -- having the effect of
- some level of pain and injury satisfies that. I don't

- 1 think the Court focused specifically on what level, if
- 2 any level were required.
- 3 And what Johnson did focus on was the
- 4 meaning of the word "violence." The Court italicized
- 5 violence. And if we look at the dictionary, violence is
- 6 an extreme use of force, especially severe, especially
- 7 powerful use of force. And it seems to me that if you
- 8 get soap in someone's eyes that stings, that causes
- 9 pain, I don't think anybody would say in the ordinary
- meaning of the term "violence," that's violent force.
- 11 CHIEF JUSTICE ROBERTS: Mr. Rothfeld, you
- 12 still owe Justice Breyer an answer.
- MR. ROTHFELD: Thank you, Mr. Chief Justice.
- I think there are several categories of
- 15 statutes we can look at. One is -- is the generic
- 16 assault statute that -- that the government focuses on.
- 17 Some of those -- and look at the Tennessee statute at
- issue here, for example. The Tennessee statute makes
- 19 causing bodily injury a violation. It defines bodily
- injury to include a number of specific types of harms,
- which are listed disjunctively; among them, for example,
- burning, causing disfigurement. It's things like that
- 23 seem to me would be violent and if properly charged in
- 24 an indictment under a modified categorical approach, I
- 25 think would be sufficient to --

- JUSTICE BREYER: That's true, and that's
- what I was trying to get at because it seems to me that
- 3 some of the -- quite a few, actually, of the statutes
- 4 that they cite have different categories and some of the
- 5 categories would escape being covered by offensive
- 6 touching and others wouldn't. So I thought you might --
- on that assumption, if you win this case, then how many
- 8 States would be -- how many States would have written
- 9 their statutes so generally that it wouldn't fall within
- 10 the scope of the provision we are talking about in your
- 11 opinion?
- MR. ROTHFELD: I can't give you a precise
- 13 number to that. I think it's a substantial number of --
- JUSTICE BREYER: When you say "substantial,"
- 15 I mean, you've read all these and do you have he an idea
- 16 of --
- MR. ROTHFELD: I --
- JUSTICE BREYER: You've thought about this
- 19 question, so you must have some rough idea. You could
- 20 put a range on it.
- 21 MR. ROTHFELD: I think at least some dozens
- of States that have use of force, that have causing
- bodily injury, defined bodily injury to a list of things
- 24 that one can do --
- JUSTICE BREYER: Yeah.

- 1 MR. ROTHFELD: -- and some of those things
- 2 are going to be necessarily violent things, and so in
- 3 all of those cases, if the injury is inflicted in that
- 4 respect and it's properly charged, it --
- JUSTICE SOTOMAYOR: Can you give me an
- 6 example of that? I mean, I think most statutes I know
- 7 just say causing physical injury.
- MR. ROTHFELD: Well, the Tennessee statute,
- 9 which is at issue here says "causing bodily injury" and
- defines separately "bodily injury," and this appears
- 11 in --
- 12 JUSTICE SCALIA: So he was convicted of
- 13 causing violent injury?
- MR. ROTHFELD: He was convicted of causing
- bodily injury, but there was no specific indication.
- 16 JUSTICE SCALIA: So we sort of have two
- extreme positions here. The government is arguing that
- 18 the statute covers mere touching. That's one extreme.
- 19 And you're arguing that the statute doesn't cover all
- 20 bodily injury, but only what, severe bodily injury?
- MR. ROTHFELD: We are saying it covers
- 22 bodily injury which --
- JUSTICE SCALIA: Why isn't there something
- in the middle? It doesn't cover touching but it covers
- 25 bodily injury?

- 1 MR. ROTHFELD: That would be an approach the
- 2 Court could take. We think that --
- JUSTICE SCALIA: Yeah, but you would lose,
- 4 right?
- 5 (Laughter.)
- 6 MR. ROTHFELD: We think that's
- 7 inconsistent --
- JUSTICE BREYER: Let's assume, just to help
- 9 you for a change -- I mean, not for a change, you help a
- 10 lot. But the question in my mind is, can you imagine
- 11 losing this case, hypothetically, just on a
- 12 hypothetical, and that the Court were to say, just as
- 13 Justice Scalia said, and the offensive touching does not
- 14 fall within the definition of physical force, but
- touching that produces bodily injury does. Now, were we
- 16 to say that, then can you give me a rough answer to my
- 17 numerical question?
- MR. ROTHFELD: Several dozens of States --
- 19 well, I think -- it may well be that --
- JUSTICE BREYER: See, what we do is where
- 21 it's -- where it's inseparable, where it comes in two
- separate clauses, then modified categorical approach
- 23 applies. And -- and that being so, the only States
- 24 where domestic violence wouldn't be included would be
- those that have a crime and use general language that

- 1 you can't divide in the statute and cover both bodily
- 2 injury and defensive touching. And are -- are there
- 3 some such States? There must be some --
- 4 MR. ROTHFELD: I -- I believe there are some
- 5 States that use a common law standard, as -- as
- 6 Ms. Sherry said, and -- but --
- JUSTICE KAGAN: Ms. Sherry said 14. And is
- 8 that your view, too?
- 9 MR. ROTHFELD: I -- I think that that's
- 10 right. I don't take issue with the government's
- 11 categorization in their appendix of the statutes. I do
- 12 take issue with asking what the individual statutes mean
- in some circumstances, such as the Tennessee statute
- what we're talking about here.
- I guess to -- to respond to Justice Scalia,
- we disagree with a rule that would say that any degree
- of pain or injury necessarily is violent because we
- think that's simply inconsistent with the meaning of the
- word.
- JUSTICE SOTOMAYOR: It doesn't say any level
- of pain. It says any level of physical injury. So
- 22 assume physical injury has been caused. We can argue on
- the margins of what -- what qualifies as physical
- injury. But assuming somebody, like here, pled guilty
- to it, we know something happened that was physical

- 1 injury. So assume that.
- MR. ROTHFELD: Well, the Tennessee
- 3 statute -- I have to take issue with that, Justice
- 4 Sotomayor. The Tennessee statute says bodily injury,
- 5 but it defines bodily injury to include pain. And so --
- JUSTICE SCALIA: Soap in the eyes.
- 7 MR. ROTHFELD: Soap in the eyes. You know,
- 8 shampooing a child and I get soap in their eyes and it
- 9 causes them to sting. That -- that would be --
- JUSTICE SOTOMAYOR: You think causing the
- 11 pain was intentional there?
- MR. ROTHFELD: In -- in this case, the
- 13 allegation --
- JUSTICE SOTOMAYOR: And you don't think that
- if -- have you ever had soap in your eye, that somebody
- threw the soap in to cause you pain intentionally? That
- wouldn't be physical injury to you?
- 18 MR. ROTHFELD: I think that that would be
- bodily injury within the meaning of the statute.
- JUSTICE SCALIA: How about soap in the
- 21 mouth? I've had that.
- (Laughter.)
- MR. ROTHFELD: I'll leave that one alone,
- 24 Justice Scalia.
- JUSTICE KAGAN: Mr. Rothfeld, how serious do

- 1 you think the injury has to be? What -- what counts as
- 2 serious enough injury?
- MR. ROTHFELD: I -- I would -- serious
- 4 injury is a -- a recognized standard in the law.
- 5 Aggravated battery statutes, many of which are felonies
- 6 but not some of which are misdemeanors, use that
- 7 standard.
- 8 JUSTICE GINSBURG: When I asked you the
- 9 question, you -- you were hesitant about scratching,
- 10 bruising, slapping.
- MR. ROTHFELD: I would -- I would -- my own
- 12 view is that a slap in the face, which was something
- that the Court in Johnson used as an example, would be
- 14 violent. The difficulty is that because there is no
- 15 statutory -- State statutory standard saying what has to
- 16 be found, so long as the we have sort of a -- pain in a
- 17 generic sense was caused, it could be the pinch, it
- could be the soap in the eyes, it could be the stubbed
- 19 toe or the paper cut that the Sixth Circuit described.
- We simply don't know.
- JUSTICE SCALIA: Well, none of those things
- 22 would be done intentionally, so they -- they don't scare
- 23 me. But -- but I do think of a, you know, a parent
- 24 washing out a child's mouth with soap for -- for
- improper speech or a -- a mother pinching a child in,

- 1 you know, to bring the child under control in public.
- 2 And that inflicts pain. It inflicts injury. And I
- 3 worry about that being covered by -- by this Federal
- 4 statute.
- 5 MR. ROTHFELD: There is no question that
- 6 those would be covered under the terms of the text that
- 7 the government is adding.
- JUSTICE BREYER: Well, how -- now, just
- 9 drawing on your criminal justice experience, say whether
- 10 my sentence I'm about to utter is true or false. That's
- 11 what I'd like to know.
- 12 The -- the many statutes, which include in
- the same section, the physical injury and the offensive
- 14 touching, such as Arizona, you intentionally or
- knowingly cause physical injury or knowingly touching
- another person with intent to injure, insult, et cetera.
- 17 What we will find when we look back at the record of the
- 18 prior convictions, it will say charge Arizona revised
- statute 13-1203(a), pled guilty. And we'll have no idea
- 20 which it was. And -- and that is a general problem with
- 21 this area. We'll have no idea.
- Now, is that generally true what I've just
- 23 said, or false?
- MR. ROTHFELD: I think it is generally true.
- Not always true, but generally true. But that is a --

- is a -- to the extent that is a problem, it's a
- 2 problem --
- JUSTICE BREYER: Then I don't see -- I think
- 4 it is generally true, too, and I can't work this out. I
- 5 mean, we'll work it out, I'm sure. But look, on the --
- on the one hand, if you just can't know, as is often
- 7 true, then on the one hand, you're not really picking up
- 8 serious domestic violence. You see where there was
- 9 serious domestic violence. And -- and although it was
- under a general charge and so the person has a gun.
- 11 Even did he really beat the spouse up and so forth. Or
- on the other hand, you pick up the offensive touching,
- 13 too.
- MR. ROTHFELD: Well, it's --
- JUSTICE BREYER: So what do we do?
- MR. ROTHFELD: It is a consequence -- the
- 17 problem you identified of the categorical --
- JUSTICE BREYER: Yes, yes. So what is your
- 19 view after all this practice in this area? What would
- 20 you recommend?
- MR. ROTHFELD: Our -- our view is that if
- 22 the Court States as a standard what we believe the
- 23 language of the statute requires, that there be violent
- force used, that people will charge crimes with
- 25 sufficient specificity in the indictments so that it

- 1 will allow for that to be picked up and qualified as a
- 2 predicate offense as appropriate.
- I think the answer, as I suggested earlier
- 4 to Justice Scalia and the Chief Justice, the answer
- 5 cannot be that because we have practical problems in the
- 6 application of this in some States, that we're going to
- 7 apply significant Federal criminal penalties to people
- 8 who lie outside the plain terms of the statutory text
- 9 and who did things that Congress did not intend to
- 10 criminalize. It is, I think, quite clear, and this
- 11 returns to the question that Justice Sotomayor --
- 12 JUSTICE GINSBURG: But on you reading, it
- seems that one thing that Congress really wanted to
- 14 cover, it didn't; that is, the -- the defendant has
- brutally beaten the mother of his child. But under the
- 16 Tennessee statute, you would say that that doesn't
- qualify as a misdemeanor crime of domestic violence.
- MR. ROTHFELD: I would say that if someone
- who did that is prosecuted under a generic assault
- 20 statute that does not have as an element the use of
- 21 force and the relevance that is violent force, then
- 22 that -- that is true.
- JUSTICE GINSBURG: So that means that on
- your interpretation, we leave out the one thing that we
- 25 know Congress wanted to cover.

- 1 MR. ROTHFELD: Well, I -- I would take issue
- with that, Your Honor. I think that we know Congress
- 3 wanted to cover is what it said in the statutory text.
- 4 It wanted to cover violent crimes, and it wanted to
- 5 cover people using simple force to commit these violent
- 6 crimes. It had in mind that many people who did this
- 7 kind of thing were being prosecuted for misdemeanors.
- 8 Some of those misdemeanors -- I think I, here again,
- 9 take issue with the government that both the generic
- 10 assault statutes and other kinds of both aggravated
- 11 assault statutes and specific kinds of criminal acts
- 12 that are addressed by individual statutes could be
- 13 invoked in situations like that.
- 14 And it may well be, as Justice Scalia
- 15 suggested, that when Congress enacted this statute, it
- 16 had a -- it had a sense that -- it certainly was aware
- that people were being prosecuted by misdemeanors. I
- 18 think it may well Congress really was not thinking --
- did not have a clear sense of how the language that it
- used would interact with modified categorical and
- 21 categorical approaches as squared against the State
- 22 statute, how that would apply.
- JUSTICE GINSBURG: Would it make any
- 24 difference in your view if instead of domestic violence,
- 25 misdemeanor crime of domestic violence, the statute said

- 1 misdemeanor crime of domestic abuse?
- 2 MR. ROTHFELD: It -- it would make quite a
- 3 difference. The face -- the fact is, I think it is
- 4 crucial to this case and something the government
- 5 ignores, that Congress used the language virtually
- 6 identical to language that it had used in prior statutes
- 7 like ACCA, adopting the language of "violence" as it had
- 8 done in ACCA, as it did in 18 U.S.C. Section 16 in the
- 9 definition of -- the generic definition of crime of
- 10 violence.
- 11 And I -- I guess this returns to a question
- 12 that Justice Sotomayor asked at the outset of Ms.
- 13 Sherry's argument. Did Congress mean something
- 14 different when it said domestic violence? The answer to
- 15 that is no. The Congress used -- defined a specific
- 16 crime with elements that are identical to other generic
- 17 crimes of violence through the generic crime of violent
- 18 felony, to the generic crime of violence in 18 U.S.C.
- 19 16.
- JUSTICE KAGAN: But Mr. Rothfeld, this might
- 21 go back to our difference on what Johnson said. But
- you're asking us to apply a higher standard than
- Johnson, which just said force capable of causing
- 24 physical pain or injury to another person without any
- 25 notion of seriousness or grievousness or whatnot.

- 1 And, you know, I -- I can see an argument
- 2 that says we should apply the exact same standard as
- Johnson. I can see an argument that says actually, we
- 4 should apply a lower standard because this is
- 5 misdemeanors rather than felonies, but I guess I can't
- 6 see an argument about why we should apply a higher
- 7 standard than Johnson.
- 8 MR. ROTHFELD: Well, I -- I do not suggest
- 9 that you should apply a higher standard than Johnson. I
- 10 will say two things about that. First, in fact, the
- 11 definition in our statute is a stricter definition. It
- 12 covers a narrower category of crimes, as I said before,
- 13 than -- than the ACCA definition does because when we
- 14 reach threats ACCA addresses -- you know, any threat of
- use of force, and this statute addresses only a threat
- of use of a deadly weapon, a much more serious and
- 17 narrower category.
- 18 So it clear -- it is clear that Congress
- 19 thought about the definition it was using here; it
- 20 didn't sort of mindlessly take the definition that
- 21 appeared in ACCA and in 18 USC section 16 and just kind
- of plop it in there. It actually thought about it,
- 23 decided that it wanted to use that definition, and then
- decided that it wanted to -- type in that definition.
- 25 So I think for those reasons the government's suggestion

- 1 that we somehow depart from what the Court said was the
- 2 definition in Johnson --
- JUSTICE SCALIA: But I -- really you have no
- 4 answer to Johnson, except that -- that statement was
- 5 dictum. And it was -- the case did not have to define
- 6 the precise amount of injury necessary, right?
- 7 MR. ROTHFELD: I -- I took that statement to
- 8 say that absent some infliction of pain and injury,
- 9 that's not enough. That can't be a crime of violence
- 10 and --and not going any further than that. The Court
- then did go on to say in response to other arguments by
- 12 the government that a slap in the face could be a crime
- of violence. A slap in the face I think is a painful
- 14 thing. It is not -- it's not a soap in the eyes; it's
- 15 not a stubbed toe, it's not -- it's not a pinch. So I
- did not take Johnson. And of course the Court will tell
- 17 us what it meant. But I do not take Johnson to be
- meaning to define definitively a crime of violence as
- being anything which causes any de minimis level of pain
- or injury, which again is not consistent with the word
- of violence, which is extreme, unusual, very powerful
- 22 force.
- I guess a couple of other small points. If
- the Court were to adopt the government's standard,
- 25 because the language that is used here is identical in

- 1 -- in our statute and in ACCA, I think it would have to
- 2 be a case that whatever the Court says about the nature
- of the injury that is inflicted that is sufficient to be
- 4 violent force in this statute applies in the violent
- 5 felon context as well.
- I think it would be quite extraordinary to
- 7 think that, you know, soap in the eyes, which triggers
- 8 a -- a State battery prosecution would be sufficient to
- 9 qualify as a violent felony, and -- and make someone
- 10 subject to a 15-year mandatory Federal prison sentence.
- 11 I mean, that is quite a remarkable outcome. And because
- 12 Congress did use exactly the same language in -- in
- these two statutes, that would be the consequence of
- 14 adopting the government's position here. That it's not
- 15 that -- that what they are saying is admitted to the
- 16 statute.
- 17 It's not -- unless one assumes that Congress
- meant radically different things, using the same
- 19 language from a closely related statute several years
- 20 prior -- unless one -- one takes -- then the consequence
- of the government's reading here washes back into the
- violent felony definition, and the mandatory 15-year
- sentence. I think that can't possibly be what Congress
- had in mind.
- In response to a point that Ms. Sherry made

- 1 about the Wachtel decision from the Tennessee courts
- 2 that we cite, we do not cite that as an example of
- 3 something that is not violent, not serious crime. We
- 4 are simply citing it for the standard, the legal
- 5 standard that Tennessee courts stated for application of
- 6 their assault statute, and the nature of the level of
- 7 force that was necessary and the court here said pushing
- 8 somebody, scratching somebody would be sufficiently to a
- 9 working crime of -- that inflicts bodily injury. It is
- 10 not theoretical, I should add, that people are
- 11 prosecuted for things like this across the country. In
- 12 our brief and the National Association of Criminal
- Defense Lawyers briefs cite examples of people who are
- prosecuted for nonserious crimes, including nonviolent
- 15 crimes. People -- for spitting or pushing people's
- 16 hands away. In Tennessee I can't cite cited cases,
- 17 reported cases that involve conduct of that type in a
- domestic context. I can say that people are arrested in
- 19 Tennessee with some frequency for domestic assault, in
- 20 contexts where the allegation is that they pushed, that
- 21 they spit, that they pushed somebody's arm away.
- So you have to assume that some number of
- these people are prosecuted and in this case, they plead
- 24 guilty to make the case go away. Having done that, they
- are under now the government's reading subject to a

- 1 lifetime ban on ownership of firearms. It seems to me
- 2 that that was not what Congress had in mind. Congress,
- 3 again if one looks at what the members said as they
- 4 debated this legislation, they were concerned with
- 5 people who engage in acts of violence, wife beaters,
- 6 with batterers who are escaping application of the
- 7 firearms limitation they manage to plead down, their
- 8 crime wasn't taken seriously. Crimes involving
- 9 offensive touching are not what Congress had in mind.
- JUSTICE ALITO: Well, if you want to send
- 11 Congress back to the drawing board, what could they do?
- 12 I mean, they are stuck, because they have the laws of
- the States that are framed the way the laws of the
- 14 States are. And how are they going to -- and they
- 15 can't -- and if they can't, if they are stuck with this
- 16 modified categorical approach, how could they identify
- those State prosecutions that fall within the parameters
- 18 s that you just outlined?
- MR. ROTHFELD: Well -- they could modify the
- 20 modified categorical approach. I mean that is what the
- 21 Court -- as the government says.
- JUSTICE ALITO: Other than that, what could
- 23 they do?
- MR. ROTHFELD: I think they could identify
- 25 particular types of -- of violence that would qualify.

- 1 And --
- 2 JUSTICE ALITO: How would you -- how would
- you identify those without changing the assault and
- 4 battery statutes of the -- of the 50 States?
- 5 MR. ROTHFELD: Well, I don't think that
- 6 Congress could -- could do it by simply absorbing the
- 7 assault statutes as they are written, because they are
- 8 overbroad. They reach well beyond what Congress has --
- JUSTICE ALITO: So all the States would have
- 10 to go back and change their statutes in order to -- to
- 11 segregate the cases that within the parameters that you
- 12 \_\_
- MR. ROTHFELD: Well, no, I --
- JUSTICE ALITO: -- that you think are
- 15 required.
- MR. ROTHFELD: I think that is not so,
- Justice Alito. I think that if -- if cases were charged
- with sufficient specificity in the indictments, both as
- 19 I said even -- even under the generic statutes, like
- Tennessee, which lists types of injury, I think that
- 21 would be sufficient to, in a case involving conduct of
- 22 that kind, to trigger the predicate --
- JUSTICE BREYER: Can you remind me of
- something which I -- if you interpret this broadly, to
- include battery, suppose you do it. Then one

- 1 consequence is that the person cannot later carry a gun,
- 2 is that right?
- MR. ROTHFELD: That is correct.
- 4 JUSTICE BREYER: Is it also the case that
- 5 there would flow ineluctably an extra year 15-year
- 6 prison sentence, or not?
- 7 MR. ROTHFELD: No, it would not.
- JUSTICE BREYER: No. The only consequence
- 9 is he couldn't carry a gun.
- 10 MR. ROTHFELD: The consequence of this
- 11 conviction in this --
- 12 JUSTICE BREYER: I mean, you would say yes,
- contrary to your argument, the same words do mean
- 14 something differently in the two sentence -- in the two
- 15 sections. Physical force means one thing for this
- 16 purpose; the other for the other. I'm not saying I
- would do that. But just say if that happened.
- MR. ROTHFELD: Well --
- JUSTICE BREYER: And if that happened, and
- you can defined the physical force in the misdemeanor
- 21 section as much broader, would in fact there be a
- 22 consequence for anyone, other than not being able to
- 23 carry a gun? I just want to have every possible
- 24 consequence in my mind.
- MR. ROTHFELD: Well, I think to the extent

- 1 that that definition flowed back to the --
- JUSTICE BREYER: No, no. It's different
- definition. It's for the same word in the two
- 4 provisions. And that's what I want to be absolutely
- 5 sure; there is no consequence other than the fact that
- 6 you would not be able to carry a gun.
- 7 MR. ROTHFELD: Well, and if you did carry a
- 8 gun, and --
- JUSTICE BREYER: Yes. There would be a
- 10 penalty, but would it enhanced penalty.
- MR. ROTHFELD: It would be a -- up to a
- 12 10-year Federal --
- JUSTICE BREYER: It wouldn't be the extra
- 14 15 years you would get for violent felonies.
- MR. ROTHFELD: That -- that is true if the
- 16 Court said that the identical language meant different
- 17 things.
- 18 JUSTICE SCALIA: I -- I assume that your
- 19 point is it's a trap for the unwary, that -- that
- someone who has not really been guilty of violent action
- 21 would not expect that he's covered by the -- by the
- 22 prohibition on carrying a gun. He is not a violent
- 23 person.
- MR. ROTHFELD: If I may, just for very
- 25 briefly. That -- that -- that is correct. It

- 1 is as in this case; it is a trap for the unwary, and it
- 2 has the additional consequence of reaching well beyond
- 3 what Congress wanted to reach. It identifies people who
- 4 it did not want to reach and it subjects them to this
- 5 penalty and this prohibition. Thank you very much.
- 6 CHIEF JUSTICE ROBERTS: Thank you,
- 7 Mr. Rothfeld.
- 8 Ms. Sherry, 5 minutes.
- 9 REBUTTAL ARGUMENT OF MELISSA ARBUS SHERRY
- 10 ON BEHALF OF THE PETITIONER
- MS. ARBUS SHERRY: I have four points.
- 12 Number one, Justice Breyer, you are exactly right and it
- does mean something different in this statute. Justice
- 14 Kagan, it is a lesser definition of physical force.
- 15 There is -- this is a misdemeanor offense, it's not a
- 16 felony offense. Common law misdemeanor, understanding
- of physical force applies directly here. It's a perfect
- 18 fit, unlike in Johnson.
- 19 Also this is a fundamentally different
- 20 statute. This is not ACCA; we're not talking about a
- 21 15-year mandatory minimum sentence. A consequence in
- 22 ACCA of saying it's not a violent felony means there's
- 23 no mandatory minimum, but the individual still cannot
- 24 possess a gun, and a sentence in court can still take
- 25 prior convictions into consideration. This is a qun

- 1 prohibition that applies equally to nonviolent felons,
- 2 to drug addicts, the mentally ill, and other classes of
- 3 individuals that Congress thought could not be trusted
- 4 to possess a gun.
- 5 The second point, we're talking about
- 6 criminal convictions here. These are events that are
- 7 serious enough to require police intervention and to
- 8 have someone prosecuted to a successful conviction. And
- 9 so if you look through the cases, these are not examples
- of husbands tapping their wives or giving them a paper
- 11 cut or stubbing their toe. These are cases of real
- 12 domestic abuse.
- And the third point is one of the fatal
- 14 flaws in Respondent's argument, he acknowledges the
- 15 legislative history. He acknowledges that Congress was
- 16 trying to get guns away from violent individuals. But
- these violent individuals who are convicted of
- 18 misdemeanors are not convicted of misdemeanors in the
- 19 abstract. They're actually convicted of violating
- 20 certain State laws. And the State laws that exist, the
- 21 State laws that are on the books do not qualify as
- 22 misdemeanor crimes of domestic violence in his -- under
- 23 his interpretation.
- And the fourth point is I would encourage
- 25 the Court to look at the State statutes that we do cite

- in the appendix. And I would disagree, I do not think
- they can be broken down in the way that Respondent
- 3 suggests. Certainly, in their brief, they don't point
- 4 to any examples where any of those State statutes would
- 5 qualify under their definition, which would exclude not
- 6 only offensive touching, but would also exclude bodily
- 7 injury cases like the one at issue here.
- And we're not talking about just the generic
- 9 assault and battery laws. In Appendix C and D of our
- 10 brief, we also cite domestic-specific -- domestic
- violence laws, domestic assault, and domestic battery
- 12 laws. And it is quite perverse to think that Congress
- adopted a statute that was designed to take guns away
- 14 from domestic abusers and chose to define misdemeanor
- crime of domestic violence in a way that not only
- 16 excludes generic assault and battery laws, but also
- excludes most domestic assault and battery laws.
- The practical effect here is far worse than
- in Hayes. In Hayes, it would have been a dead letter in
- 20 two-thirds of the State. Here we are talking about
- virtually the entire country. Maybe a few States
- 22 survive, but at best, that is all that survives. The
- 23 modified categorical approach is no help here with
- 24 respect to all of those States.
- Now, with respect to the offensive touching

- 1 issue, I just want to -- I don't want to leave the Court
- with the impression that we're arguing just for bodily
- injury assault here. We do not think the Johnson
- 4 definition applies here. We think a different
- 5 definition of physical force should apply, and we think
- 6 the consequences of adopting the Johnson definition are
- 7 significant. It's 28 States. It's the District of
- 8 Columbia. Maybe they're divisible; maybe they are not.
- And even if they are, Justice Breyer, you're
- 10 absolutely correct that if you looked at the State court
- 11 records in this case -- these cases, in most cases, it
- 12 is not going to identify the actual crime of conviction.
- And so in those cases, it is going to be a
- 14 virtual dead letter, in the same way that it was in
- 15 Hayes. In Hayes, it wasn't nationwide; one-third of the
- 16 States had domestic violence laws on the books. So it's
- 17 similar to Hayes. It's similar to Nijhawan. It's
- 18 similar to what this Court said in Taylor when it
- rejected the common law definition of "burglary."
- 20 And the last point is that this Court has a
- 21 choice. It can either embrace the common law meaning of
- force and ensure that people who harm those that they
- are supposed to protect do not have guns, or it can
- depart from the common law, which it does not normally
- do, and render 922(g)(9) a virtual dead letter.

1	CHIEF JUSTICE ROBERTS: Thank you, counsel
2	Counsel.
3	The case is submitted.
4	(Whereupon, at 12:07 p.m., the case in the
5	above-entitled matter was submitted.)
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

A	61:12	49:14 51:4	11:11,19,25	19:16 22:14
<b>a.m</b> 1:13 3:2	add 53:10	anybody 17:10	12:6,12 13:5	24:5,13 25:19
able 17:19 56:22	addicts 59:2	38:9	14:1,13,18,21	25:24 26:9,10
57:6	adding 45:7	Anytime 11:9	16:20,24 17:3	33:21 35:20
	addition 29:1	anyway 12:24	17:6,12 18:4	38:16 47:19
above-entitled	additional 58:2	appeals 21:2	19:13 20:6,14	48:10,11 53:6
1:11 62:5	addressed 9:19	APPEARAN	21:9,12,15,24	53:19 55:3,7
absent 51:8	48:12	1:14	22:6,23 23:2,5	60:9,11,16,17
absolutely 11:4	addresses 50:14	appeared 50:21	23:13 25:1	61:3
36:6 57:4	50:15	appears 36:22	26:4,18 27:4	Assistant 1:15
61:10	adjective 5:20	40:10	27:20 28:6,24	Association
absorbing 55:6	admitted 52:15	appendices	29:11,15 58:9	53:12
abstract 59:19	adopt 3:19 9:14	35:19	58:11	assume 21:22
abuse 5:4,20	_		area 22:18 45:21	26:3 41:8
17:10 28:20	22:16 25:4,7	appendix 42:11		
49:1 59:12	31:23 34:7	60:1,9	46:19	42:22 43:1
<b>abusers</b> 3:13,16	37:7 51:24	<b>application</b> 14:6	argue 18:13	53:22 57:18
16:10 17:23	adopted 18:5	14:12,14 47:6	42:22	assumed 7:13
22:13 60:14	22:10 60:13	53:5 54:6	argued 27:9	assumes 52:17
abusing 23:24	adopting 49:7	applications	arguing 6:16,20	assuming 19:25
<b>abusive</b> 4:21 5:2	52:14 61:6	11:5	40:17,19 61:2	42:24
5:3 7:7	advice 24:25	applied 11:21,24	argument 1:12	assumption 18:1
ACCA 27:20	aggravated	34:18	2:2,5,8 3:4,7	39:7
29:18 32:5,13	10:22 15:16,16	<b>applies</b> 41:23	4:11 7:13 8:3	<b>ATF</b> 25:12 26:7
49:7,8 50:13	15:21 24:20	52:4 58:17	14:2 18:22	attack 13:3,25
50:14,21 52:1	44:5 48:10	59:1 61:4	19:5 22:2	attempted 25:18
58:20,22	aggressor 8:23	<b>apply</b> 9:15 19:12	29:21 49:13	26:24 32:14,16
accepted 17:21	10:15 11:5,6	27:3 47:7	50:1,3,6 56:13	attention 30:2
19:5	13:10	48:22 49:22	58:9 59:14	automatic 30:10
accepting 16:8	<b>agree</b> 33:11 34:3	50:2,4,6,9 61:5	arguments	<b>aware</b> 48:16
accomplish 8:4	34:3,15	applying 18:14	17:25 31:15	
8:6 16:1 33:13	<b>Alito</b> 17:24	approach 18:2,6	51:11	<u> </u>
33:18,20	22:17 23:1,3	18:15,17,20	Arizona 45:14	<b>baby</b> 24:11
accomplished	54:10,22 55:2	30:22 35:21	45:18	back 10:25 12:6
33:16	55:9,14,17	37:7 38:24	<b>arm</b> 24:10 53:21	12:15 13:7
account 28:13	allegation 43:13	41:1,22 54:16	<b>Armed</b> 15:19,24	15:1,25 36:8
achieve 36:5,5	53:20	54:20 60:23	31:25	45:17 49:21
acknowledges	<b>allow</b> 47:1	approaches	arms 24:11	52:21 54:11
8:5 59:14,15	allowed 3:13	48:21	arrested 53:18	55:10 57:1
act 11:7 13:12	26:12	appropriate	<b>art</b> 4:3 6:4 9:7	background
14:11 15:19,24	ALVIN 1:6	47:2	asked 44:8 49:12	24:18
30:4 31:25	amendment	<b>ARBUS</b> 1:15 2:3	asking 27:2,6,19	balance 28:25
action 6:17	25:3	2:9 3:7,9 4:13	28:3 42:12	<b>ban</b> 54:1
57:20	<b>amount</b> 51:6	4:18,24 5:9,12	49:22	<b>based</b> 32:5
	answer 23:14,14	5:21 6:8,12,15	asks 3:19	<b>basis</b> 9:8 20:18
activity 20:4	28:25 34:12	6:19 7:2,16,22	assault 3:18,21	20:24
acts 15:20 48:11	36:9 38:12	8:19 9:25 10:3	10:22 15:16,21	batter 8:8 35:5
54:5	41:16 47:3,4	10:8,13 11:3	16:5 17:4,22	battered 3:12
actual 11:21,23	71.10 77.3,7	10.0,13 11.3	10.5 17.4,22	
	-	-	-	-

				64
22:12	40:25 41:15	57:6,7	31:5,7,10 38:8	<b>Circuit</b> 44:19
batterers 34:2	42:1 43:4,5,19	carrying 57:22	43:9 51:19	circumstances
54:6	53:9 60:6 61:2	case 3:4 9:9	causing 10:1,2	42:13
battering 23:24	<b>boo</b> 10:11 13:2	10:19 12:5	15:17 37:3,5	cite 15:3 24:4
<b>battery</b> 3:18,21	books 22:22	18:19 20:8	37:13 38:19,22	39:4 53:2,2,13
9:12 10:22	59:21 61:16	21:19,22 22:3	39:22 40:7,9	53:16 59:25
13:22 14:3,5	<b>bottom</b> 10:17	23:19 24:4,6	40:13,14 43:10	60:10
15:17 16:6	<b>Breyer</b> 32:18	24:19 26:3	49:23	cited 53:16
17:4,22 19:16	33:1,7,15 34:3	36:8,9 37:21	central 29:25	citing 53:4
19:17 22:11,14	34:13 36:9	39:7 41:11	certain 59:20	classes 59:2
22:15 25:19	38:12 39:1,14	43:12 49:4	certainly 4:13	<b>clause</b> 15:23
26:9,10 31:20	39:18,25 41:8	51:5 52:2	4:18 6:19 7:16	clauses 41:22
35:7 44:5 52:8	41:20 45:8	53:23,24 55:21	7:25 17:3	clear 20:18,24
55:4,25 60:9	46:3,15,18	56:4 58:1	18:13 21:4	33:22 35:18
60:11,16,17	55:23 56:4,8	61:11 62:3,4	23:18 25:23	37:16 47:10
bear 4:3 6:4 9:7	56:12,19 57:2	cases 15:9,9 19:2	27:5 31:5	48:19 50:18,18
beat 8:8 35:5,6	57:9,13 58:12	21:3 22:20,24	32:19 33:13	clearly 17:1
46:11	61:9	23:6 40:3	48:16 60:3	31:22
<b>beaten</b> 47:15	<b>brief</b> 9:3 15:4	53:16,17 55:11	cetera 45:16	<b>cliff</b> 11:1 31:10
beaters 23:23	26:21 36:15	55:17 59:9,11	<b>change</b> 41:9,9	<b>close</b> 3:12 8:7
34:1 54:5	53:12 60:3,10	60:7 61:11,11	55:10	17:21 34:25
<b>behalf</b> 1:17,18	briefly 57:25	61:13	changing 55:3	closely 52:19
2:4,7,10 3:8	<b>briefs</b> 34:6 53:13	Castleman 1:6	characterized	codified 19:19
29:22 58:10	<b>bring</b> 45:1	3:5	5:2	Columbia 3:22
behavior 4:21	<b>broad</b> 4:20 5:1	categorical 18:2	charge 21:4	19:15,16 20:15
5:2 7:7,13	broaden 35:10	18:6,6,20	45:18 46:10,24	61:8
believe 21:12	broader 56:21	35:21 38:24	charged 38:23	comes 16:4
25:8 33:1 42:4	broadly 55:24	41:22 46:17	40:4 55:17	41:21
46:22	broken 60:2	48:20,21 54:16	CHARLES 1:18	comical 9:14
<b>belt</b> 13:16	bruising 36:17	54:20 60:23	2:6 29:21	coming 15:25
best 60:22	44:10	categorically	<b>check</b> 25:13	commit 15:4
beyond 55:8	brutally 47:15	36:19	<b>Chief</b> 3:3,9 7:10	30:8,9 48:5
58:2	<b>bump</b> 12:3	categories 38:14	7:19 10:6,10	committed 30:5
<b>bit</b> 4:7 13:6	burglary 61:19	39:4,5	11:8,15,23	34:23 35:13
18:17	burning 38:22	categorization	12:2,10,25	<b>common</b> 4:3,4,4
<b>biting</b> 6:23	<b>bus</b> 13:19	42:11	13:23 26:2	4:8,9 6:4,5
<b>board</b> 54:11	<b>buy</b> 24:23	category 32:12	29:19,24 38:11	8:22,22 9:1,3,5
<b>bodily</b> 8:16 10:1		35:10 50:12,17	38:13 47:4	9:6,7,13 10:18
10:2,4,7,9	C	causation 12:14	58:6 62:1	13:6,7,8,14,20
11:11,13 12:14	<b>C</b> 2:1 3:1 60:9	14:24	<b>child</b> 35:7 43:8	13:21 14:2,3,5
14:24 15:17	camera 10:25	cause 8:16 10:3	44:25 45:1	14:15,16 15:15
18:24 19:2,6	<b>capable</b> 37:3,5	10:7,9 43:16	47:15	19:17,20 21:4
20:21 21:14	37:13 49:23	45:15	<b>child's</b> 44:24	21:4,17 22:8,9
23:10 24:5	care 24:1	<b>caused</b> 8:17,20	children 3:12	22:10,10,15,16
38:19,19 39:23	Career 15:19,24	13:11 42:22	<b>choice</b> 61:21	26:13 27:17,19
39:23 40:9,10	31:25	44:17	<b>chose</b> 14:7 18:11	28:4,19 29:6
40:15,20,20,22	<b>carry</b> 56:1,9,23	<b>causes</b> 5:20 11:6	60:14	30:17 31:11,20
	I	l	I	I

				0.5
33:20 42:5	46:16 52:13,20	30:19 51:23	51:18 53:3,9	19:16 36:20
58:16 61:19,21	56:1,8,10,22	course 27:1	54:8 60:15	51:5,18 60:14
61:24	56:24 57:5	28:11 33:5	61:12	defined 10:22
community 5:15	58:2,21	51:16	crimes 3:18 5:25	12:17 14:5
compel 4:1	consequences	court 1:1,12	10:19,21,21	19:21 28:8,9
concept 13:1	61:6	3:10,19 4:2 6:3	12:17 19:20	28:23 29:10,13
concerned 4:8	consideration	9:4,6,10 16:13	20:9 26:11	30:13 35:3
33:23 54:4	58:25	18:5,10,15	32:12 46:24	37:2 39:23
concerns 26:6	considered 8:25	19:25 20:22,24	48:4,6 49:17	49:15 56:20
concluded 9:11	23:10	21:2 22:7	50:12 53:14,15	defines 25:16
conclusion 26:3	consistent 51:20	24:21,22,24	54:8 59:22	26:18,19,21
condition 25:4	constitutes	26:5 27:21	criminal 15:19	38:19 40:10
<b>conduct</b> 5:3 8:12	36:15	28:8 29:24	15:24 31:25	43:5
10:14 13:21	constructed	32:1 36:20,21	35:11 36:11	defining 6:2
24:12 33:24	19:8	36:23 37:20	45:9 47:7	9:10 28:2,14
34:19,22 35:10	construed 36:23	38:1,4 41:2,12	48:11 53:12	28:17,21
35:12 36:13,16	contains 25:15	44:13 46:22	59:6	definition 8:21
53:17 55:21	context 9:15	51:1,10,16,24	criminalize	9:14 16:6,8
Congress 5:13	27:19 28:18,22	52:2 53:7	47:10	22:11,15 27:25
5:16 7:23,23	52:5 53:18	54:21 57:16	crucial 49:4	28:12,13,16
8:5,11,13 14:7	contexts 53:20	58:24 59:25	<b>cut</b> 44:19 59:11	29:6 31:12,24
15:22 16:9,12	contrary 4:2	61:1,10,18,20		32:7,8,13,22
16:15 17:2,3	11:22 12:16	courts 18:14	$\frac{\mathbf{D}}{\mathbf{D}}$	33:21 34:7
17:12,15,20,25	56:13	19:21 53:1,5	<b>D</b> 3:1 60:9	41:14 49:9,9
18:9,16,17	control 45:1	cover 5:20 15:22	<b>D.C</b> 1:8,16,18	50:11,11,13,19
22:9 24:14	convicted 3:16	34:10 36:2	dangerous 3:12	50:20,23,24
31:11,23 32:8	3:17 11:14	40:19,24 42:1	3:25 8:7 16:23	51:2 52:22
32:19 33:2,6	17:18,23 22:20	47:14,25 48:3	de 51:19	57:1,3 58:14
33:12,13,17,19	25:13 26:16	48:4,5	<b>dead</b> 3:23 60:19	60:5 61:4,5,6
33:21,24 34:14	40:12,14 59:17	covered 12:13	61:14,25	61:19
34:16,25 35:25	59:18,19	16:6,7 21:23	<b>deadly</b> 8:1 16:14 26:25 50:16	definitional
36:12 47:9,13	conviction 20:19	21:25 30:11	dealing 22:12	25:15
47:25 48:2,15	20:25 56:11	32:12,24 39:5	dealt 21:2	definitions
48:18 49:5,13	59:8 61:12	45:3,6 57:21	debated 54:4	35:19
49:15 50:18	convictions	covers 40:18,21	decide 26:5	definitively
52:12,17,23	45:18 58:25	40:24 50:12	37:21	51:18
54:2,2,9,11	59:6	created 18:2	<b>decided</b> 50:23	degree 42:16
55:6,8 58:3	correct 18:3	crime 4:24 9:13	50:24	denominator
59:3,15 60:12	56:3 57:25	12:20 14:7	<b>decision</b> 53:1	21:5
Congress's	61:10	15:4 24:23	decisions 21:2	depart 9:4,8
18:11 24:13	<b>counsel</b> 29:19	25:14,16,17,25	defendant 47:14	51:1 61:24
congressional	62:1,2	26:16,19,22	<b>Defense</b> 53:13	<b>Department</b>
36:4	count 15:17	29:4 30:4,5,8	defensive 37:21	1:16
connotation	<b>country</b> 53:11 60:21	32:7,14 41:25	42:2	depend 20:8
4:14 5:23 29:3	counts 44:1	47:17 48:25	defies 15:15	depends 20:6 described 13:8
29:16	counts 44:1 couple 23:8	49:1,9,16,17 49:18 51:9,12	<b>define</b> 4:6 14:7	36:2 44:19
consequence	Couple 23.8	47.10 31.7,14		30.4 44.19

	I	I	I	I
describes 4:20	19:15,15 20:15	either 19:1	example 8:25	<b>fall</b> 23:11 39:9
description 8:11	61:7	23:17 61:21	10:20 12:15	41:14 54:17
designed 22:11	divide 42:1	element 8:13	13:14 15:2,2	<b>falls</b> 10:12 11:1
60:13	divisible 19:19	10:20 12:21	24:11 35:23	<b>false</b> 45:10,23
dictionary 38:5	19:23 20:7,16	15:7,14,22	36:7 38:18,21	<b>family</b> 5:5 17:13
dictum 51:5	61:8	18:11 25:17	40:6 44:13	17:16 34:24
<b>die</b> 13:3	<b>doing</b> 6:25 7:2	26:24 47:20	53:2	35:2,15
difference 48:24	7:23	elements 20:10	examples 13:21	<b>far</b> 19:7 20:1
49:3,21	domestic 3:13	49:16	23:20,21 53:13	60:18
<b>different</b> 4:11,15	3:15 4:9,14,20	embrace 61:21	59:9 60:4	<b>fatal</b> 8:3 59:13
4:19 5:18,23	4:22,25 5:1,8	emotional 5:4	exclude 3:21	father 24:8
7:4,5,5 9:9,11	5:14,15,18,19	<b>enact</b> 18:16	60:5,6	<b>feather</b> 23:7,22
10:5 11:16	5:22,22,24 6:1	enacted 3:11	excludes 60:16	Federal 3:13
13:6,20,21	6:25 7:3,4,12	17:25 36:13	60:17	9:19,22 15:2
15:18,23 17:10	7:15,20,24	48:15	Excuse 32:18	15:10,10,11
20:11,11,21	14:7 16:10,14	enacting 18:9	exemption 30:15	25:2,6 26:15
27:7 29:1,3,16	16:17,18,22	enactment 3:24	exist 59:20	26:15,23 36:11
29:17 37:7	17:7,9,9,23	encourage 59:24	existed 3:15	45:3 47:7
39:4 49:14	22:13 24:13,16	encouraged 25:7	<b>expect</b> 57:21	52:10 57:12
52:18 57:2,16	24:19 25:14,16	enforcement	experience 45:9	<b>felon</b> 52:5
58:13,19 61:4	25:24,25 26:11	27:11	explain 8:9	felonies 32:20
differently 27:3	26:17,20,22	engage 35:1	explains 24:14	44:5 50:5
56:14	28:17 29:2,4	54:5	expressly 27:8	57:14
difficulty 19:9	29:15 30:16	engaged 33:23	extending 36:11	<b>felons</b> 12:23
19:14 44:14	31:13 32:20,23	34:19,21 35:12	extent 46:1	17:17 34:18
direct 8:23 11:5	34:8 41:24	36:13	56:25	59:1
13:8	46:8,9 47:17	enhanced 57:10	extra 56:5 57:13	<b>felony</b> 4:20 9:11
directed 13:11	48:24,25 49:1	ensure 16:10	extraordinary	9:16 12:23
35:3	49:14 53:18,19	61:22	52:6	15:6 27:15,25
directly 32:5	59:12,22 60:10	<b>entire</b> 60:21	extreme 38:6	28:2,9 29:5
58:17	60:11,11,14,15	entirely 21:19	40:17,18 51:21	32:13 34:22
disagree 42:16	60:17 61:16	23:17 35:18	<b>eye</b> 43:15	35:6,13 49:18
60:1	domestic-spec	episode 7:11	eyes 38:8 43:6,7	52:9,22 58:16
disarmed 16:10	60:10	equally 59:1	43:8 44:18	58:22
disfigurement	<b>dozens</b> 39:21	escalated 7:25	51:14 52:7	<b>figure</b> 23:9
38:22	41:18	escalating 5:3		<b>fill</b> 26:8
disjunctively	drawing 45:9	<b>escape</b> 35:2 39:5	<b>F</b>	<b>fills</b> 25:12
38:21	54:11	escaping 54:6	<b>face</b> 21:11,16	<b>find</b> 16:18 22:22
dispute 9:2	<b>drug</b> 59:2	especially 38:6,6	44:12 49:3	22:23,25 23:6
12:22 16:4		<b>ESQ</b> 1:15,18 2:3	51:12,13	23:20,21 45:17
18:19 24:16	<u>E</u>	2:6,9	fact 27:24,25	<b>finish</b> 34:11
distinct 29:5	<b>E</b> 2:1 3:1,1	et 45:16	28:8 49:3	<b>firearm</b> 34:17
distinguish	<b>e.g</b> 25:19	events 59:6	50:10 56:21	firearms 3:14
13:15	earlier 47:3	exact 50:2	57:5	54:1,7
distinguishes	early 7:25	exactly 4:17	fact-based 18:14	<b>first</b> 7:11,14
29:8	<b>effect</b> 33:10	32:1 34:14	18:16	19:18 22:2
District 3:22	37:24 60:18	52:12 58:12	facts 23:1,19	30:20 31:22
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

33:3,4,5,17	53:7 56:15,20	<b>giving</b> 59:10	56:1,9,23 57:6	hope 5:11,11
36:4 50:10	58:14,17 61:5	<b>go</b> 4:9 10:11	57:8,22 58:24	<b>hurts</b> 6:18
<b>fit</b> 4:5 7:17	61:22	12:15 15:1	58:25 59:4	husband 13:15
58:18	<b>forget</b> 22:18	18:1 26:8	guns 8:7 12:24	13:16,16 23:6
<b>flaw</b> 8:3	form 5:13,15	49:21 51:11	16:14,23 34:1	husbands 59:10
<b>flaws</b> 59:14	25:12,12,12,15	53:24 55:10	59:16 60:13	hypothetical
<b>Florida</b> 20:20	25:23 26:7	goes 13:2 19:25	61:23	41:12
flow 56:5	forms 13:21	25:11,20		hypothetically
<b>flowed</b> 57:1	20:4	<b>going</b> 4:8 13:7	H	41:11
focus 7:22 31:14	<b>forth</b> 46:11	18:1 19:8,9,13	<b>hair</b> 6:23	
38:3	<b>found</b> 44:16	19:24 20:7,18	<b>hand</b> 46:6,7,12	I
focused 5:13	<b>four</b> 58:11	23:19,21 31:4	<b>hands</b> 53:16	<b>Idaho</b> 16:10
17:13 20:23	<b>fourth</b> 59:24	36:5 40:2 47:6	<b>happen</b> 16:11	idea 39:15,19
38:1	<b>framed</b> 54:13	51:10 54:14	happened 42:25	45:19,21
focuses 35:18	frequency 53:19	61:12,13	56:17,19	identical 49:6,16
38:16	<b>friend</b> 33:19	<b>good</b> 26:9	happens 11:9	51:25 57:16
Focusing 31:22	friends 5:5	goodness 16:18	19:7	identified 46:17
<b>food</b> 31:2	fundamentally	government	harm 5:20 17:13	identifies 58:3
<b>force</b> 4:5 8:14,16	29:17 58:19	27:9 30:2,4	61:22	identify 54:16
8:18,20,21,22	funding 25:4	31:1 32:3	harms 18:21	54:24 55:3
8:23,24 9:1,14	further 16:7	34:16 35:18	38:20	61:12
9:23 10:4,5,7,9	51:10	38:16 40:17	Hayes 16:14	ignores 49:5
10:12,13,15,16		45:7 48:9 49:4	18:15 20:25	ignoring 30:22
10:21 11:2,7	G	51:12 54:21	60:19,19 61:15	30:24
11:10,17,20,21	<b>G</b> 3:1	government's	61:15,17	ill 59:2
11:24 12:5,8	general 1:16	26:21 30:22	hear 3:3	illegal 20:3
12:21 13:4,8,9	41:25 45:20	42:10 50:25	heart 13:3,24	imagine 41:10
13:11 14:6,12	46:10	51:24 52:14,21	heavily 28:8	implausible 4:2
14:14,16,17,20	generally 39:9	53:25	help 41:8,9	import 27:19
14:22,23,25	45:22,24,25	<b>grabbing</b> 6:23	60:23	impression 61:2
15:7,15 22:1,9	46:4	gradations 10:5	helpful 32:11	improper 44:25
25:18 26:14,25	generic 32:7	graphically 35:4	hesitant 44:9	incident 7:14
27:6,10,16,18	35:19 38:15	grasping 13:1	higher 49:22	incidents 19:10
27:21,22,22,23	44:17 47:19	grievous 37:5	50:6,9	include 5:4,5
28:17,18 30:9	48:9 49:9,16	grievousness	history 32:19	13:24 14:2
30:10,12,23	49:17,18 55:19	49:25	33:8,9,22	20:13,13,15
31:3,12,16,16	60:8,16	<b>ground</b> 10:17	59:15	28:19 31:11
31:18,18,24,24	getting 34:1,1	12:1 24:10	hit 12:7,7 13:19	38:20 43:5
32:15,16 36:21	GINSBURG	<b>guess</b> 37:18	hits 10:17 12:1	45:12 55:25
36:24,24 37:2	8:10 9:21	42:15 49:11	13:15	included 8:22
37:2,5,9,13,23	36:14 44:8	50:5 51:23	<b>hitting</b> 6:23	13:8,9,9 14:4
37:23,24 38:6	47:12,23 48:23	<b>guilty</b> 24:21,23	holding 24:11	20:1 27:25
38:7,10 39:22	Ginsburg's 9:18	42:24 45:19	37:17	41:24
41:14 46:24	give 24:25 25:2	53:24 57:20	Honor 5:25	includes 11:4
47:21,21 48:5	28:18 39:12	gun 8:2 13:18	27:24 28:24	18:23
49:23 50:15	40:5 41:16	17:19 24:15	36:7 48:2	including 15:19
51:22 52:4	<b>given</b> 30:13	29:18 46:10	hook 35:14	15:23 20:21
	l	<u> </u>	<u> </u>	ı

53:14	23:11 24:5	interpreted	7:10,19 8:10	KENNEDY
inconsistent	31:6,8,10 37:3	28:22	9:17,18,21,22	10:24 24:18
41:7 42:18	37:5,6,14,25	interpreting	10:2,6,10,24	<b>kids</b> 5:6
incorporate	38:19,20 39:23	28:12	11:8,15,23	<b>killing</b> 12:18,19
33:20	39:23 40:3,7,9	intervene 7:24	12:2,10,25	<b>kind</b> 35:1 48:7
indication 40:15	40:10,13,15,20	intervention	13:23 14:9,17	50:21 55:22
indictment	40:20,22,25	59:7	14:19 16:17,22	kinds 19:10
38:24	41:15 42:2,17	invoked 48:13	17:1,5,8,24	48:10,11
indictments	42:21,22,24	involve 8:25	19:4,22 20:12	knocked 24:10
46:25 55:18	43:1,4,5,17,19	53:17	21:6,7,10,13	know 17:8 19:10
indirect 8:24	44:1,2,4 45:2	involved 11:10	21:20 22:4,17	22:19 23:13,14
13:9	45:13,15 49:24	involves 12:8	23:1,3,9 24:18	23:14 33:8
indisputably	51:6,8,20 52:3	32:14	26:2,13 27:1	34:5,7 40:6
3:20	53:9 55:20	involving 37:12	27:14 28:3,11	42:25 43:7
individual 10:16	60:7 61:3	54:8 55:21	29:8,12,19,24	44:20,23 45:1
24:15 25:11,20	inoperative 16:3	<b>Iowa</b> 16:12	30:1,7 31:5,9	45:11 46:6
42:12 48:12	inquiry 37:13	isolated 7:6	32:18 33:1,4,7	47:25 48:2
58:23	inseparable	isolating 5:4	33:15 34:3,13	50:1,14 52:7
individual's	41:21	issue 21:3 30:3	35:24 36:8,14	knowingly 45:15
13:12	inspection 16:7	33:18 38:18	37:1,11,16	45:15
individuals 15:9	instances 7:7	40:9 42:10,12	38:11,12,13	
17:17 26:7	11:3	43:3 48:1,9	39:1,14,18,25	L
59:3,16,17	<b>insult</b> 45:16	60:7 61:1	40:5,12,16,23	language 15:5,6
indivisible 19:11	<b>intend</b> 31:11	italicized 38:4	41:3,8,13,20	18:12 27:2,5,6
indivisibly 20:2	32:20 47:9		42:7,15,20	30:2 32:2,4,5,6
ineluctably 56:5	<b>intended</b> 8:6,6,7	J	43:3,6,10,14	36:1,22 41:25
inflicted 40:3	15:22 16:1	<b>JAMES</b> 1:6	43:20,24,25	46:23 48:19
52:3	31:23 33:13	January 1:9	44:8,21 45:8,9	49:5,6,7 51:25
infliction 51:8	36:1	<b>Johnson</b> 6:3 9:9	46:3,15,18	52:12,19 57:16
<b>inflicts</b> 45:2,2	<b>intent</b> 18:11	9:10 20:20,23	47:4,4,11,12	largely 18:7
53:9	45:16	22:8 27:2,5,8,8	47:23 48:14,23	Laughter 41:5
information	intentional	27:14,20 28:8	49:12,20 51:3	43:22
24:19	10:14 11:4	28:14 29:8	54:10,22 55:2	Lautenberg
injure 12:4	12:14,18 14:11	30:13 32:1	55:9,14,17,23	34:19
45:16	14:24 43:11	36:20,23 37:2	56:4,8,12,19	law 3:13 4:3,4,4
injured 10:12	intentionally	37:7,8,10,19	57:2,9,13,18	4:8,9 6:4,5
11:16 12:1,11	10:8 13:10	38:3 44:13	58:6,12,13	8:22,22 9:1,3,5
14:10	43:16 44:22	49:21,23 50:3	61:9 62:1	9:7,7,13 10:18
injures 12:3	45:14	50:7,9 51:2,4	T7	13:6,7,8,14,20
injuries 7:8	interact 48:20	51:16,17 58:18	<u>K</u>	13:21 14:2,3,5
injuring 23:25	interpret 18:10	61:3,6	<b>Kagan</b> 19:4,22	14:15,16 19:17
<b>injury</b> 8:16 10:1	27:7 55:24	judges 15:11	21:7,10,13	19:20 20:8
10:2,4,7,9	interpretation	judicial 25:5	23:9 27:1 37:1	21:17,19,22
11:12,13 12:14	3:20 12:16	justice 1:16 3:3	37:11,16 42:7	22:8,10,10,15
14:24 15:17	15:12 16:2	3:9 4:7,17,22	43:25 49:20	22:16 23:19
18:24 19:2,6	18:8 27:7,9	5:7,11,17 6:6	58:14	25:2,6 26:14
20:22 21:14	47:24 59:23	6:10,13,17,22	<b>keep</b> 7:12	26:23 27:17,19
	l	ı	l	I

	l	l	l	l
28:4,19 29:6	looked 23:18	18:7 20:11	misdemeanors	necessarily 40:2
30:17 31:12,20	61:10	26:19 36:21	17:18 32:23	42:17
33:20 34:17	looks 54:3	47:23 56:15	35:3 44:6 48:7	necessary 37:10
42:5 44:4	<b>loophole</b> 3:13,15	58:22	48:8,17 50:5	51:6 53:7
58:16 61:19,21	3:25 8:7 17:21	meant 33:18,19	59:18,18	need 25:4
61:24	34:16 35:1	51:17 52:18	<b>misfit</b> 9:14	neighbor's 35:5
laws 3:21 16:6	lose 41:3	57:16	missing 9:17	35:6
18:25 19:7,16	losing 41:11	MELISSA 1:15	<b>mistake</b> 33:5,6	New 16:11
22:14 54:12,13	<b>lot</b> 20:17 22:20	2:3,9 3:7 58:9	mistakes 33:13	Nijhawan 61:17
59:20,20,21	31:10 34:6	member 33:24	mitigate 18:20	nonserious
60:9,11,12,16	36:2 41:10	34:24 35:2,15	modified 18:2,6	53:14
60:17 61:16	love 24:2	members 17:14	18:19 32:10	nonviolent 24:7
lawyers 15:11	<b>lower</b> 50:4	17:16 54:3	35:21 38:24	24:12 53:14
53:13	<b>lures</b> 13:18	mentally 59:2	41:22 48:20	59:1
leave 3:24 43:23	<b>lying</b> 13:2	mentions 27:24	54:16,20 60:23	<b>normally</b> 6:4 9:6
47:24 61:1		mere 20:13,15	<b>modify</b> 54:19	61:24
<b>left</b> 27:8	M	28:19 29:13	modifying 4:19	<b>nose</b> 6:7,9,11,14
legal 53:4	making 34:8	37:22 40:18	molecular 31:3	<b>notice</b> 25:5,24
legally 26:5	man 24:8	<b>Mexico</b> 16:11	moment 3:23	26:6
legislation 54:4	manage 54:7	<b>middle</b> 13:18	morning 3:4	<b>notion</b> 49:25
legislative 33:8,9	mandatory	24:16 40:24	mother 24:9	<b>number</b> 27:15
33:22 59:15	52:10,22 58:21	mind 8:11 17:2	44:25 47:15	38:20 39:13,13
<b>lesser</b> 58:14	58:23	17:4 34:15	motion 11:6	53:22 58:12
let's 21:21 41:8	margins 42:23	41:10 48:6	13:10	numerical 41:17
<b>letter</b> 3:23 60:19	<b>marital</b> 23:9,10	52:24 54:2,9	mouth 43:21	
61:14,25	matter 1:11	56:24	44:24	0
<b>level</b> 31:3 37:9	12:18,23 25:1	mindlessly 50:20	move 5:24	<b>O</b> 2:1 3:1
37:10,12,13,25	25:6 62:5	<b>minimis</b> 51:19	murder 10:20	objectives 8:4
38:1,2 42:20	mean 5:21 16:18	<b>minimum</b> 58:21	10:21 12:15,17	obligation 24:22
42:21 51:19	19:5 20:7	58:23	12:20,23 15:2	24:24
53:6	23:23 26:14	minutes 58:8	15:10,14,16,21	obviously 14:22
<b>lie</b> 36:11 47:8	27:22,23 37:11	miscalculated	murder-for-hire	occasion 37:9
lifetime 54:1	39:15 40:6	35:25	15:9	occurred 12:19
lightly 31:9	41:9 42:12	misdemeanor		<b>odd</b> 18:8,17
limitation 54:7	46:5 49:13	3:16,17 4:22	N	offender 8:1
limiting 11:9	52:11 54:12,20	4:24,25 5:25	N 2:1,1 3:1	offense 9:16
list 39:23	56:12,13 58:13	7:15 8:12 9:12	narrowed 32:12	25:24 47:2
<b>listed</b> 38:21	meaning 4:4,5,8	9:13,15 14:7	narrower 50:12	58:15,16
lists 55:20	4:9 6:5 9:5,7	25:14,16,24,25	50:17	<b>offenses</b> 3:16,17
little 4:7 18:17	16:2 22:9,16	26:16,19,22,23	National 53:12	15:13 17:4,18
33:2	26:14 28:12,19	29:3,4,6 30:14	nationwide 16:3	17:22,22 24:7
long 7:17 44:16	30:23,24 31:12	30:16 31:13	16:13,15,16	offensive 18:23
look 15:2 18:25	31:19,20 38:4	32:20 34:9,24	61:15	19:1,6 20:3,22
21:1 32:18	38:10 42:18	35:7 47:17	natural 4:5	20:23 21:13
33:22 38:5,15	43:19 51:18	48:25 49:1	<b>nature</b> 28:5,6	22:21 23:4,12
38:17 45:17	61:21	56:20 58:15,16	52:2 53:6	27:13 39:5
46:5 59:9,25	means 8:17,20	59:22 60:14	nearly 18:25	41:13 45:13
,	11100115 0117,20	39.22 00.14	1100113 10120	

	1	1	1	1
46:12 54:9	parameters	5:24 29:2	<b>poison</b> 31:2,3	produces 41:15
60:6,25	54:17 55:11	physical 5:20	poisoning 8:25	prohibition
offer 24:20	parent 44:23	6:17 7:9 8:14	30:11,25	29:18 57:22
officials 15:10	parentheses	8:15,17,20,21	poisons 13:17	58:5 59:1
<b>Oh</b> 4:13	25:18	8:22 9:1,23	police 59:7	<b>prongs</b> 20:21
Okay 6:13 12:2	part 20:8	10:4,7,9,12,13	policy 25:5	properly 38:23
17:5	particular 5:10	10:15,16,21	position 10:24	40:4
once 35:24	5:12,13 15:25	11:2,7,10,17	14:9,14,15	prosecute 15:8
oncoming 13:19	23:15 54:25	11:19,21,24	52:14	prosecuted 8:12
one-third 61:15	<b>pass</b> 16:9	12:4,8,21 13:3	positions 40:17	15:13 17:17,18
open 3:25 27:8	<b>passed</b> 8:5 17:20	14:20 15:7,14	possess 3:14	22:13 23:15,16
<b>opinion</b> 34:10	25:3	17:10 19:11,25	58:24 59:4	24:4,12 34:22
39:11	<b>pattern</b> 5:2 7:7	25:18 26:24	possible 56:23	34:23 47:19
opposed 31:19	7:13	27:5,18,21,21	possibly 52:23	48:7,17 53:11
oral 1:11 2:2,5	patterns 7:20	27:22,23 28:17	powerful 38:7	53:14,23 59:8
3:7 29:21	<b>pays</b> 30:2	31:18,18,24	51:21	prosecutes 24:7
order 55:10	penalties 36:11	32:15,16 37:2	practical 18:21	prosecuting
ordinarily 4:3	47:7	37:3,6,14 40:7	47:5 60:18	19:9,14
ordinary 30:23	<b>penalty</b> 57:10,10	41:14 42:21,22	practice 46:19	prosecution
30:24 31:17,19	58:5	42:23,25 43:17	precise 39:12	52:8
38:9	<b>people</b> 8:8 11:16	45:13,15 49:24	51:6	prosecutions
ought 28:15	17:13,14 23:24	56:15,20 58:14	precisely 14:6	54:17
outcome 52:11	23:25 33:7,23	58:17 61:5	15:21	prosecutors
outdated 34:20	33:25 34:1,18	pick 24:16 46:12	predicate 47:2	34:21
outlined 54:18	34:21 35:1	picked 47:1	55:22	protect 3:11
outset 49:12	36:11 46:24	picking 46:7	predicates 35:17	17:15 22:12
outside 36:12	47:7 48:5,6,17	<b>pinch</b> 44:17	presumably	24:1 61:23
47:8	53:10,13,15,18	51:15	19:22	<b>proves</b> 24:13
overbroad 55:8	53:23 54:5	pinching 6:22	<b>presume</b> 6:4 9:6	provide 25:5
owe 38:12	58:3 61:22	44:25	presumes 4:3	provision 28:5,7
ownership 54:1	people's 53:15	<b>plain</b> 36:12 47:8	previous 32:6	39:10
	perceived 34:16	<b>plea</b> 24:20	principal 34:20	provisions 25:8
P	perfect 4:6	<b>plead</b> 24:21,23	principle 28:21	57:4
<b>P</b> 3:1	22:16 58:17	53:23 54:7	<b>prior</b> 34:12	public 45:1
<b>p.m</b> 62:4	person 5:4 10:25	please 3:10	45:18 49:6	<b>pull</b> 24:16 30:10
page 2:2 9:3	11:1,7,22,25	29:24 34:13	52:20 58:25	pulling 6:23
15:3	12:1,4 13:24	<b>pled</b> 42:24 45:19	<b>prison</b> 52:10	<b>punch</b> 6:6,8,10
pain 37:3,4,6,10	13:24 15:20	<b>plop</b> 50:22	56:6	6:14
37:14,25 38:9	37:4,6,14	<b>plying</b> 18:14	problem 8:10	punch-in-the
42:17,21 43:5	45:16 46:10	<b>point</b> 5:22 7:11	16:13,13,15	19:10
43:11,16 44:16	49:24 56:1	10:5 24:14	17:15 19:23,24	punched 24:8
45:2 49:24	57:23	25:10 29:1,25	20:2,17 27:10	purchase 25:11
51:8,19	perverse 60:12	52:25 57:19	27:12 36:10	25:20,21 26:8
painful 51:13	Petitioner 1:4,17	59:5,13,24	45:20 46:1,2	purpose 56:16
<b>paper</b> 44:19	2:4,10 3:8	60:3 61:20	46:17	<b>pushed</b> 53:20,21
59:10	58:10	<b>points</b> 51:23	problems 30:21	pushing 31:9
parallel 34:8	<b>phrase</b> 4:14 5:1	58:11	47:5	53:7,15
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

	_	_	_	_
put 32:8 35:5	53:25	37:23,24 38:2	7:10,19 10:6	says 10:25 12:22
39:20	ready 24:15	55:15	10:10 11:8,15	13:2 22:24
	<b>real</b> 19:9,14	requirement	11:23 12:2,10	24:5 25:19
Q	22:19 27:10,12	30:16	12:25 13:23	26:16 30:4
qualifications	59:11	requires 11:13	26:2 29:19	32:15 40:9
25:2	realize 12:7	12:14 15:6	38:11 58:6	42:21 43:4
qualified 47:1	22:17	30:10 46:23	62:1	50:2,3 52:2
qualifies 42:23	really 22:20 32:3	requiring 27:9	Rothfeld 1:18	54:21
qualify 7:12	46:7,11 47:13	37:24	2:6 29:20,21	Scalia 5:7,11,17
36:19 47:17	48:18 51:3	reserve 28:25	29:23 30:19	6:6,10,13,17
52:9 54:25	57:20	respect 5:10 9:5	31:7,14 32:25	9:17,22 10:2
59:21 60:5	reason 7:4 14:10	9:10 20:25	33:3,11,17	14:9 16:17,22
question 9:19	20:22 22:7	27:10,12 32:10	34:11,14 36:6	17:1,5,8 20:12
19:18 27:8	26:9 27:22	40:4 60:24,25	36:18 37:1,8	21:6,20 22:4
30:1,25 31:7	reasons 27:24	respectfully	37:15,18 38:11	26:13 28:11
31:15,17,17,21	50:25	37:19	38:13 39:12,17	29:8,12 33:4
34:12 39:19	REBUTTAL	respond 42:15	39:21 40:1,8	35:24 40:12,16
41:10,17 44:9	2:8 58:9	Respondent	40:14,21 41:1	40:23 41:3,13
45:5 47:11	recognized 6:3	1:19 2:7 3:19	41:6,18 42:4,9	42:15 43:6,20
49:11	7:23 16:14	8:5,9 9:2 11:13	43:2,7,12,18	43:24 44:21
quickly 28:25	22:8 44:4	12:22 16:4	43:23,25 44:3	47:4 48:14
quintessential	recommend	18:13 24:3	44:11 45:5,24	51:3 57:18
12:20 17:6	46:20	25:21 29:22	46:14,16,21	Scalia's 30:1
26:11	record 20:18,24	60:2	47:18 48:1	scare 44:22
<b>quite</b> 9:9 29:4	45:17	Respondent's	49:2,20 50:8	scaring 13:24
32:11 33:21	records 61:11	8:3 12:19	51:7 54:19,24	<b>scheme</b> 29:17
39:3 47:10	reference 19:17	15:12,18 16:2	55:5,13,16	scope 7:17 14:4
49:2 52:6,11	referring 29:3	17:24 18:22	56:3,7,10,18	39:10
60:12	refers 26:9	19:3 59:14	56:25 57:7,11	scratched 24:9
	rejected 61:19	Respondents	57:15,24 58:7	scratching 36:16
$\frac{\mathbf{R}}{\mathbf{R}}$	related 52:19	18:19 26:1	rough 39:19	44:9 53:8
R 3:1	relevance 47:21	response 51:11	41:16	search 22:21
radically 52:18	<b>relied</b> 27:14 28:8	52:25	routine 8:11	<b>second</b> 30:24
raise 30:25	remain 16:9	restriction 34:17	routinely 22:13	59:5
raised 30:1	35:17	result 4:2	<b>rule</b> 6:14,20	section 3:11
range 39:20	remarkable	results 12:18	42:16	25:15,16 32:7
rape 23:9,10,16	52:11	returns 47:11		45:13 49:8
reach 50:14 55:8	<b>remind</b> 55:23	49:11	S	50:21 56:21
58:3,4	render 3:23	reveals 12:16	<b>s</b> 2:1 3:1 54:18	sections 56:15
reached 8:1	61:25	revised 45:18	satisfies 37:25	see 33:9 41:20
reaching 58:2	reply 15:4	rid 29:9	satisfy 35:22	46:3,8 50:1,3,6
read 16:2 27:21	reported 53:17	<b>right</b> 9:23 14:21	<b>saying</b> 6:21 7:11	seen 25:23
27:23 33:7,8	require 14:16,25	26:15,17 33:5	16:25,25 26:7	segregate 55:11
34:5 37:19	59:7	36:5,7 41:4	29:12 35:1	Senator 34:19
39:15	required 14:22	42:10 51:6	40:21 44:15	35:4
reading 33:15	14:23 22:2	56:2 58:12	52:15 56:16	<b>send</b> 54:10
47:12 52:21	25:6 36:24	ROBERTS 3:3	58:22	sense 4:6 15:15
			I	I

				12
22:16 28:4	27:20 28:6,24	12:25	starting 18:7	43:19 45:4,19
31:17 44:17	29:11,15 33:19	sort 24:20 33:12	State 20:2,18,24	46:23 47:16,20
48:16,19	42:6,7 52:25	40:16 44:16	24:21,22,24	48:15,22,25
sentence 45:10	58:8,9,11	50:20	26:23 30:15	50:11,15 52:1
52:10,23 56:6	Sherry's 49:13	Sotomayor 4:7	34:8 35:17	52:4,16,19
56:14 58:21,24	shoots 13:17	4:17,22 6:22	36:2 44:15	53:6 58:13,20
separate 20:9,10	<b>shoulder</b> 23:7,21	14:17,19 27:14	48:21 52:8	60:13
21:21 30:21	<b>shoving</b> 6:23	28:3 30:7 31:5	54:17 59:20,20	statutes 15:19
31:15,17,20	shows 24:6	31:9 40:5	59:21,25 60:4	15:23 18:23
41:22	significant 47:7	42:20 43:4,10	60:20 61:10	19:12,19 20:4
separated 21:11	61:7	43:14 47:11	stated 53:5	20:16 23:16,17
21:16,18	similar 15:5	49:12	statement 51:4,7	34:9 35:16,17
separately 40:10	27:4 61:17,17	sought 17:20	states 1:1,3,12	36:3 38:15
serious 15:17	61:18	special 6:14,20	3:5,22 16:5,9	39:3,9 40:6
16:13 20:17	simple 5:19 48:5	specific 18:22	18:25 19:8,14	42:11,12 44:5
37:4 43:25	simple 3.17 48.3 simply 30:2,9	38:20 40:15	19:15,17,21	45:12 48:10,11
44:2,3 46:8,9	42:18 44:20	48:11 49:15	20:8,14,17	48:12 49:6
50:16 53:3	53:4 55:6	specifically	21:4,7,10,18	52:13 55:4,7
59:7	situations 7:1	17:13 26:8	25:4,6,8 27:13	55:10,19 59:25
seriously 31:10	48:13	36:8,21 38:1	32:21,23 34:9	60:4
54:8	Sixth 44:19	specificity 46:25	39:8,8,22	statutory 4:1
seriousness	slap 44:12 51:12	55:18	41:18,23 42:3	14:19 18:8
49:25	51:13	<b>specified</b> 37:11	42:5 46:22	29:17 35:19,22
set 13:10	slapping 6:24	specify 37:9	47:6 54:13,14	44:15,15 47:8
sets 11:6	36:17 44:10	spectrum 4:20	55:4,9 60:21	48:3
severe 38:6	slight 7:8	5:1	60:24 61:7,16	steps 10:25
40:20	singit 7.8 small 51:23	speech 44:25	statute 3:23 5:10	steps 10.25 sting 43:9
shampooing	soap 38:8 43:6,7	spit 53:21	5:13,25 7:18	stings 38:8
43:8	43:8,15,16,20	<b>spit </b> 33.21 <b>spitting</b> 53:15	8:5,14 9:6,19	stings 38.8 stopping 33:25
Sherry 1:15 2:3	44:18,24 51:14	spoke 33:24	9:20,23,24,25	stranger/unstr
2:9 3:6,7,9	52:7	sponsor 34:20	11:12 12:13,13	7:6
4:13,18,24 5:9	solicit 15:10	spouse 6:25 7:3	14:4 15:3,8,13	strangle 16:11
5:12,21 6:8,12	solicitation 15:4	22:20,21 46:11	15:25 16:3,9	strangled 24:8
6:15,19 7:2,16	Solicitor 1:15	sprinkled 31:2	17:12,20 18:10	stray 30:17
7:22 8:19 9:25	<b>solution</b> 16:16	squared 48:21	18:12,23,24	<b>street</b> 13:19
10:3,8,13 11:3	solve 16:12,15	stage 7:25	19:20 20:2,21	stretch 29:14
11:11,19,25	17:16 36:10	stage 7.23 stairs 10:17	21:1,11,16,23	stricter 50:11
12:6,12 13:5	somebody 6:6,9	stairwell 10:11	22:1,9,11,12	strictly 24:18
14:1,13,18,21	6:10,18 12:3	standard 35:22	22:14,24 24:5	strife 16:14,17
16:20,24 17:3	13:1,2 14:10	37:16 42:5	26:14,15,16	16:19,23
17:6,12 18:4	14:11 34:23	44:4,7,15	27:17 30:3,3	strongest 4:10
19:5,13 20:6	35:13 42:24	46:22 49:22	31:23 32:4,9	stubbed 44:18
20:14 21:9,12	43:15 53:8,8	50:2,4,7,9	32:15 33:2,10	51:15
21:15,24 22:6	somebody's	51:24 53:4,5	36:4,12,23	stubbing 59:11
22:23 23:2,5	53:21	standing 4:16	38:16,17,18	stuck 54:12,15
23:13 25:1	someone's 38:8	28:1	40:8,18,19	stuck 54.12,15 subject 52:10
26:4,18 27:4	sorry 6:8 10:6	start 5:3 7:8,8	42:1,13 43:3,4	53:25
20.4,10 27.4	5011 y 0.0 10.0	<b>Statt</b> 3.3 7.0,0	+4.1,13 43.3,4	33.43

	1	1	1	1
subjects 58:4	talk 5:25 32:4	56:15	50:14	turned 8:1
submitted 62:3	33:25	things 8:24	threw 43:16	turns 36:3
62:5	talking 7:12,19	15:16 27:15	tickled 23:6	twisted 24:9
substantial	7:20 10:14	29:1 30:20	tickling 23:22	two 10:25 11:16
36:24 37:23	29:5 39:10	36:19 38:22	tie 17:9	19:1 25:2
39:13,14	42:14 58:20	39:23 40:1,2	time 11:17,18,20	27:15,23 29:1
subtle 8:24	59:5 60:8,20	44:21 47:9	11:20 13:9	30:21 31:15
successful 59:8	<b>talks</b> 10:1	50:10 52:18	19:23 28:25	40:16 41:21
sufficient 38:25	tapped 23:7	53:11 57:17	34:17,18	50:10 52:13
46:25 52:3,8	tapping 23:20	think 5:17 12:15	today 3:24 9:13	56:14,14 57:3
55:18,21	59:10	13:5 14:22,23	toe 44:19 51:15	two-thirds 60:20
sufficiently 53:8	Taylor 18:7	18:4,5,16 20:7	59:11	<b>type</b> 50:24 53:17
suggest 37:19	61:18	21:15,25,25	<b>top</b> 10:11	<b>types</b> 17:22
50:8	tell 51:16	22:1,23,25	touching 18:23	38:20 54:25
suggested 47:3	telling 24:3	23:2,5,18 24:3	19:1,6,25 20:3	55:20
48:15	Tennessee 8:14	24:13 29:2,11	20:13,15,22,23	
suggesting 26:4	9:20,24,25	29:13,15,25	21:13 22:4,5,6	U
30:7,11,12	11:12 12:13,13	31:11,22 32:11	22:7,21 23:4	<b>U.S.C</b> 49:8,18
suggestion 50:25	24:4,6,13	33:19 34:15	23:12 27:13	understand 7:10
suggests 31:1	38:17,18 40:8	35:17,20 36:15	28:20 29:13	8:15,21 21:8
60:3	42:13 43:2,4	37:8 38:1,9,14	37:21,22 39:6	24:21
suppose 19:5	47:16 53:1,5	38:25 39:13,21	40:18,24 41:13	understanding
55:25	53:16,19 55:20	40:6 41:2,6,19	41:15 42:2	9:3 58:16
supposed 17:14	term 5:19 6:1	42:9,18 43:10	45:14,15 46:12	understood
22:18 23:25	9:11 10:18	43:14,18 44:1	54:9 60:6,25	10:18
24:1,2 61:23	11:9 14:19	44:23 45:24	tough 34:4	<b>United</b> 1:1,3,12
<b>Supreme</b> 1:1,12	27:18 28:7,9	46:3 47:3,10	track 22:10,15	3:4
<b>sure</b> 7:4 14:1	28:12,13,16,17	48:2,8,18 49:3	<b>trap</b> 57:19 58:1	unlawful 14:5,6
21:9,19 23:17	28:21,22 38:10	50:25 51:13	treat 20:9,10	unpack 30:20
46:5 57:5	terms 4:3 6:4	52:1,6,7,23	treated 35:13	unusual 51:21
surprised 18:10	9:7 10:23	54:24 55:5,14	tribal 26:23	<b>unwary</b> 57:19
survive 60:22	12:17 21:18	55:16,17,20	trigger 24:17	58:1
survives 60:22	23:19 26:6	56:25 60:1,12	30:11 55:22	USC 15:3 32:6
swatted 24:9	28:4 36:12	61:3,4,5	triggers 52:7	50:21
	45:6 47:8	<b>thinking</b> 34:4,21	trouble 13:1	use 8:14 9:1
	terrible 19:9	48:18	true 20:20,25	10:21 12:4,8
T 2:1,1	text 4:1 45:6	<b>third</b> 59:13	21:3 23:18	12:21 14:5,25
take 5:6 8:7	47:8 48:3	thought 4:10	32:19 39:1	15:7,8,14
10:24 12:6	textual 30:21	9:18 18:18	45:10,22,24,25	25:17,18 26:24
28:13 32:22	Thank 29:19,23	36:1,5 37:1	45:25 46:4,7	26:24,25 27:5
33:18 41:2	38:13 58:5,6	39:6,18 50:19	47:22 57:15	27:15,16,18,21
42:10,12 43:3	62:1	50:22 59:3	trusted 59:3	28:3 30:9,25
48:1,9 50:20	theoretical	threat 50:14,15	try 15:1 30:20	31:12,16 32:14
51:16,17 58:24	53:10	threatened	trying 16:12	32:14,15,16,16
60:13	thing 11:16	26:25 32:15,16	17:15 35:9,10	32:16 38:6,7
taken 54:8	25:10 47:13,24	threatening 5:6	35:11 39:2	39:22 41:25
takes 52:20	48:7 51:14	threats 5:5,7,15	59:16	42:5 44:6
	<u> </u>	I	I	l 

47:20 50:15,16   50:23 52:12   violent 4:19 9:11   violent 4:19 9:11   20:21 14:12,14   26:21 32:10   37:19 54:13   vorking 53:9   vorks 32:21   vords 22:19   vorks 32:21   vord 22:19   vorks 32:21   vord 22:19					/4
50:23 52:12         violent 4:19 9:11         12:20 14:12,14         26:21 32:10         working 53:9         2005 25:3         2014 19:9         26:21 32:10         working 53:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         2014 19:9         28 19:14 15         20:14 21:7,10         46:5         we'll 45:19,21         word 22:19         word 23:19         30:14         30:14         30:24         30:24         31:18,24         32:14         30:14         30:24         31:14         30:24         34:17         55:14         46:3         30:24         4	47:20 50:15 16	60:11 15 61:16	61:15	work 12:16 34:6	7
uses 8:23,24         12:20 14:12,14         26:21 32:10         working 53:9         2014 1:9         23:19         24:16,17,22,23         37:19 54:13         working 53:9         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         2014 1:9         28 19:14,15         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:7         20:14 21:7,10         61:2         20:14 21:4         20:14 21:4 <td></td> <td></td> <td></td> <td></td> <td></td>					
9:23 15:5 27:17 28:17 30:15,16 Utah 16:11 utter 45:10  V v1:5 3:5 variant 18:7 variant 18:7 variant 18:7 variant 18:7 variant 18:7 variant 18:7 variant 18:1 03:24,25 34:8 VAWA 25:3,7 victim 10:10 34:24 view 8:19 12:19 violation 38:19 viol				· · · · · · · · · · · · · · · · · · ·	
27:17 28:17 30:15,16 22:1 27:10,16 22:1 27:10,16 28:1,9 30:9,23 31:18,24 32:13 33:24,25 34:8 24:14 47:6 36:2 59:16,17 victim 10:10 34:24 view 8:19 12:19 violation 38:19 viola	· ·	,		_	
30:15,16 Utah 16:11 utter 45:10  V  V  V:5 3:5 variant 18:7 variants 19:1 variety 15:18,23 VAWA 25:3,7 victim 10:10 34:24 violating 59:19 viol		, , ,			,
Utah 16:11			,		· ·
utter 45:10         28:1,9 30:9,23 31:18,24 32:13         we're 6:15,20 13:7 22:18 7:12 12:12         wouldn't 5:18 7:12 12:12         3           V         v:5 3:5         variant 18:7 33:24,25 34:8 34:19,21 35:3         33:24,25 34:8 42:14 47:6 18:20 33:4,5         35:24 36:4,18 39:6,9 41:24 39:60:8 61:2 39:6,9 41:24 39:9,9 40:14 12:14 39:9 39:6,14 12:49 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:9 40:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 12:14 39:14 1	*	· · · · · · · · · · · · · · · · · · ·	,		
V v1:5 3:5   variant 18:7   variants 19:1   variety 15:18,23   varie					<b>29</b> 2: 7
V   V1:5 3:5   33:24,25 34:8   34:19,21 35:3   58:20 59:5   35:24 36:4,18   39:6,9 41:24   43:17 57:13   44:14 46:23   34:24   47:12 148:4,5			,		3
variant 18:7 variants 19:1 variants 19:1 variants 19:1 variety 15:18,23 VAWA 25:3,7 victim 10:10 34:24 view 8:19 12:19 15:18 36:14 42:8 44:12 violating 59:19 violation 38:19 violence 4:10,12 41:4,15,20,23 4:25 5:1,5,7,8 5:14,15,18,18 5:19,22,23,24 6:25,7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 5:19,22,23,24 6:17,12,18,24 6:25,7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:14 33:9 34:25 43:64,18 39:6,6 41:24 43:17 57:13 vrite 39:8 vrite 39:8 473 25:12  40 9:3 4473 25:12  Vednesday 1:9 vell-accepted 5:14 Vellstone 35:4 vent 19:6 Vest 21:1 viatually 49:5 of 6 6 616:5  55:8  8 2:10  6 6 616:5  6 6 616:5  72. Viating 19:1 Viating 19:1 Viating 19:1 Viating 19:1 Virtual 3:23 of 1:14,15,18,18 5:19,22,23,24 6:25,7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:14 33:9 34:25 43:4,54 Veapon 24:24 Veapo	V				
variant 18:7 variants 19:1 variants 19:1 variety 15:18.23         35:12 36:16,21 36:24 37:23         60:8 61:2 weapon 24:24 42:17 26:25 30:10         39:6,9 41:24 43:17 57:13 weite 33:17 57:13 weite 33:25 weite 33:10 25:11,21 26:8 40:13 42:17 26:25 30:10         44:14 46:23 50:16 weapon 24:24 43:17 57:13 weite 33:2 weite 33:2 weite 33:2 55:7         X         40:13 42:17 57:13 weite 33:8         40:13 42:17 26:25 30:10         Weite 33:2 55:7         X         X         \$55:8:8         \$55:14         \$58:2:10         \$55:8:8         \$55:14         \$58:2:10         \$55:8:8         \$55:14         \$55:8:8         \$55:14         \$57:14         \$55:8:8         \$55:14         \$57:14	v 1:5 3:5				
variants 19:1         36:24 37:23         weapon 24:24         43:17 57:13         4           VAWA 25:3,7         victim 10:10         34:24         40:13 42:17         26:25 30:10         write 33:2         4473 25:12           view 8:19 12:19         15:18 36:14         44:14 46:23         50:16         55:7         X           42:8 44:12         49:17 52:4,4,9         52:22 53:3         Well-accepted         55:7         X           violating 59:19 violating 59:19 violation 38:19         violence 4:10,12         414,15,20,22         5:14         Wellstone 35:4 went 19:6         Years 56:5         Years 52:19         55:82:10         58:210           4:25 5:1,5,7,8         5:14,15,18,18         60:21         Wife 6:14 13:15         Z         Z         8         58:210         6	variant 18:7			· ·	
variety 15:18,23         38:10,23 40:2         25:11,21 26:8         write 33:2         write 33:2         40:3 34:24           victim 10:10         34:24         40:13 42:17         50:16         55:7         5           view 8:19 12:19         15:18 36:14         42:24 44:12         42:24 45:24         49:17 52:44.49         Wednesday 1:9         X         X         15:18 36:14         47:25 58:8         55:7         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:88         50:322 18:25         55:85:8         50:322 18:25         55:7         Yeah 39:25 41:3         year 56:5         79:21:26         55:7         55:88         50:322 18:25         55:7         55:88         50:322 18:25         55:7         55:88         50:322 18:25         55:7         55:88         50:322 18:25         99:22:20:1         44:43:23         44:43:23         44:43:43:24         44:44:42         44:44:45         44:44:45         44:44:45         44:44:45         44:44:45         44:44:45         44:44:45	variants 19:1	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	4
VAWA 25:3,7 victim 10:10         40:13 42:17 44:14 46:23         26:25 30:10 50:16         written 39:8 55:7         4473 25:12           34:24 view 8:19 12:19 15:18 36:14 42:8 44:12 46:19.21 48:24 violating 59:19 violation 38:19 violence 4:10,12 4:14,15,20,23 4:25 5:1,5,7,8 5:14,15,18,18 5:19.22,23,24 6:17,12,18,24 6:25 7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 1 20:10         Waki 16:18 20:20 40:18 20:20 10:18 15:3 32:6 40:18,18 20:21 washing 44:24 46:8,9 47:17 48:42,25 49:7 49:10,14,17,18 51:9,13,18,21 1 20:10         40:13 42:17 44:46:23 50:16 weapons 25:22 Wednesday 1:9 weghons 25:22 Wednesday 1:9 Wedl-accepted 5:14 Well-accepted 5:14 Well-ac	variety 15:18,23		_		<b>40</b> 9:3
victim 10:10         34:24         44:14 46:23         50:16         weapons 25:22         X           view 8:19 12:19         45:18 36:14         45:22 53:3         50:16         weapons 25:22         X           46:19,21 48:24         55:14,20,22         46:19,21 48:24         57:14,20,22         Wellstone 35:4         Wellstone 35:4         Wellstone 35:4         Yeah 39:25 41:3         58:21 59:16,17         Yeah 39:25 41:3         Yeah 39:25 41:3         48:24         58:22 59:16,17         Wellstone 35:4         Wellstone 35:4         Went 19:6         West 21:1         Wear 56:5         19:7 25:8 55:4         58:210         61:5         55:18         50:3:22 18:25         19:7 25:8 55:4         55:18         50:3:22 18:25         19:7 25:8 55:4         55:18         79:12.5         Methot 49:25         Weilstone 4:10,12         Weilstone 35:4         Weel 19:6         West 21:1         Whips 13:16         75:14         70         75:14         70         8         19:7 25:8 55:4         8         19:7 25:8 55:4         8         19:7 25:8 55:4         8         19:7 25:8 55:4         8         19:7 25:8 55:4         8         19:7 25:8 55:4         8         19:7 25:8 55:4         19:7 25:8 55:4         9         9         21(a):44:14         19:7 25:8 55:4         19:7 25:8 55:4         19:7 25:8 55:4         19	VAWA 25:3,7				<b>4473</b> 25:12
34:24   view 8:19 12:19   15:18 36:14   47:21 48:4,5   49:17 52:4,4,9   52:22 53:3   57:14,20,22   46:19,21 48:24   violating 59:19 violation 38:19 violence 4:10,12   4:14,15,20,23   4:25 5:1,5,7,8   5:14,15,18,18   5:19,22,23,24   6:1,7,12,18,24   6:25 7:1,3,5,6   7:9,12,15,21   7:24,25 14:8   vist 16:17   violating 23:25   virtually 49:5   60:21   wide 3:25   virtually 49:5   60:21   wide 3:25   virtually 49:5   60:21   34:1 35:5,6,7   7:24,25 14:8   vant 21:20,22   24:14 33:9   25:14,17,25   26:11,17,20,22   28:18 29:2,4,9   29:12,16 30:4   30:5,5,8,17   31:13 32:7,23   35:2 38:4,5,5   38:10 41:24   46:8,9 47:17   48:24,25 49:7   49:10,14,17,18   51:9,13,18,21   7:26,20 20   7:26,20	· ·				
view 8:19 12:19         49:17 52:4,4,9         Wednesday 1:9         X         x1:2,7         55:88         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:22 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:25 18:25         50:3:3:25         50:3:3:3:3         50:3:3:3:3:3:3         50:3:3:3:3:3:3:3:3         50:3:3:3:3:3:3:3:3:3:3:3:3:3:3:3:3:3:3:3					5
15:18 36:14 42:8 44:12 46:19,21 48:24 violating 59:19 violence 4:10,12 4:14,15,20,23 4:25 5:1,5,7,8 5:14,15,18,18 5:19,22,23,24 6:15,7,13,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,15,18,18 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 24:14 33:9 25:14,17,25 26:11,17,20,22 24:16:15 33:2 26:13,7,8 well-accepted 5:14 Wellstone 35:4 went 19:6 West 21:1 whathout 49:25 whips 13:16 wide 3:25 wife 6:14 13:15 13:16,17,17 23:67,20,22 23:23 25:22 1 23:23 25:22 1 10-year 57:12 10-year 57:12 11:05 1:13 3:2 26:20 922 20:1 921(a)(33)(A) 13:10 3:20 16:1 27:11 61:25  15:19 15:3 57:14  10-year 57:12 11:05 1:13 3:2 26:20 922 20:1 921(a)(33)(A) 13:20 16:1 13:10 20:16 15-9:10 16:15 33:2 16:15 33:2 16:15 33:2 16:15 33:2 16:15 33:2 16:15 33:2 17:10 4:24 16:15 33:2 18:15:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18 18:16,18	view 8:19 12:19	· ·	_	X	
42:8 44:12 46:19,21 48:24 violating 59:19 violence 4:10,12 4:14,15,20,23 4:25 5:1,5,7,8 5:14,15,18,18 5:19,22,23,24 6:17,12,18,24 6:25 7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21  57:14,20,22 58:22 59:16,17 violently 23:25 Virginia 21:1 virtual 3:23 61:14,25 virtually 49:5 60:21  5:14 Wellstone 35:4 Wellstone 35:4 Wellstone 35:4 went 19:6 West 21:1 whatnot 49:25 whips 13:16 Wife 6:14 13:15 13:16,17,17 23:67,20,22 23:23 25:22 11:05 10-year 57:12 11:05 1:13 3:2 921(a)(33)(A) 26:20 922 20:1 washing 41:24 women 3:12 22:12 word 4:15,15,19 4:25 7:14 28:1,2 29:9 34:25 47:13 25:25 58:2 10  6 16:5  7  8  19:7 25:8 55:4  58 2:10  6 16:5  7  8  19:7 25:8 55:4  10-year 50:2  921(a)(33)(A) 26:20 922 20:1 922 (g)(9) 3:11 3:20 16:1 27:11 61:25  7  19:7 25:8 55:4  19:7 25:8 55:4  10-year 57:12 11:05 1:13 3:2 22:12 11:05 1:13 3:2 22:12 11:05 1:13 3:2 22:12 12:13 1:1:4:1 3:20 16:1 3:20			•	<b>x</b> 1:2,7	<b>50</b> 3:22 18:25
Vellstone 35:4   Vical size 59:16,17   Vical size 59:19   Violation 38:19   Violation 38:19   Violation 38:19   Violation 38:19   Violation 38:19   Virginia 21:1   Virtual 3:23   61:14,25   Virginia 21:1   Virtual 3:23   61:14,25   Virtual size 32:5   Virtual size 32:1   Virtual size 32:5   Virtual size 32:1   Virtual size	42:8 44:12		_		19:7 25:8 55:4
wiolating 59:19 violently 23:25         violently 23:25         went 19:6         Yeah 39:25 41:3 year 56:5 years 52:19         6           4:14,15,20,23 4:25 5:1,5,7,8 5:14,15,18,18 5:19,22,23,24 6:25,7:1,3,5,6         60:21         wife 6:14 13:15 13:16 wide 3:25 wife 6:14 13:15         7         8           5:19,22,23,24 6:25,7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 40:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 washing 44:24 49:10,14,17,18 51:9,13,18,21 will as 51:10,18 will as 51:9,13,18,21 will as 51:10,18 will as 51:9,13,18,21 will as 51:9,13,18,21 will as 51:10,18 will as 51:9,13,18,21 will as 51:9,13,18,21 will as 51:9,13,18,21 will as 51:10,18 will as 51	46:19,21 48:24	, ,			<b>58</b> 2:10
violation 38:19 violence 4:10,12 4:14,15,20,23 4:25 5:1,5,7,8 5:14,15,18,18 5:19,22,23,24 6:25 7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 4:15 ft. 20.         Wirginia 21:1 virtual 3:23 whatnot 49:25 years 52:19 57:14	*	,		<b>Yeah</b> 39:25 41:3	
violence 4:10,12         virtual 3:23         whatnot 49:25         years 52:19         6 16:3           4:14,15,20,23         4:25 5:1,5,7,8         5:14,15,18,18         5:19,22,23,24         60:21         wife 6:14 13:15         13:16,17,17         0         8           5:19,22,23,24         6:17,12,18,24         W         Wachtel 53:1         34:1 35:5,6,7         10-year 57:12         9         921(a)(33)(A)           7:24,25 14:8         Wall 12:3,7,8         want 21:20,22         34:1 35:5,6,7         11:05 1:13 3:2         922 20:1         922 20:1           19:11 24:19         24:14 33:9         wife's 24:10         win 39:7         12:07 62:4         3:20 16:1         22:2(g)(9) 3:11           25:14,17,25         34:5 54:10         win 39:7         45:19         45:19         22:11         42:7           28:18 29:2,4,9         34:25 47:13,25         42:2         42:7         42:7         15:19 15:3         27:11 61:25           35:2 38:4,5,5         38:10 41:24         46:8,9 47:17         48:3,4,4 50:23         38:4 42:19         56:5 58:21         16:32:7 49:8,19         50:21         49:8,18 50:21           49:10,14,17,18         116,18         11:16,18         13:11 20:10         49:8,18 50:21         49:8,18 50:21	O	•			
4:14,15,20,23 4:25 5:1,5,7,8 5:14,15,18,18 5:19,22,23,24 6:1,7,12,18,24 6:25 7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 51:14,125 wings 13:16 wide 3:25 wife 6:14 13:15 13:16,17,17 23:6,7,20,22 23:23 25:22 1 23:23 25:22 1 23:23 25:22 1 10-year 57:12 10-year 57:12 11:05 1:13 3:2 12:07 62:4 13:10 30:4 30:5,5,8,17 31:13 32:7,23 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 51:16,18 61:14,25 wing 3:26 13:16,17,17 23:6,7,20,22 23:23 25:22 1 10-year 57:12 10-year 57:12 10-year 57:12 11:05 1:13 3:2 12:07 62:4 13:1203(a) 45:19 42:5 27:16 28:1,2 29:9 30:16,23,24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 51:16,18 1:16,18 1:16,18 51:19,13,18,21 51:20 57:3 words 8:13 1:16,18 1	violence 4:10,12	O		years 52:19	<b>6</b> 16:5
4:25 5:1,5,7,8       virtually 49:5       wide 3:25       wide 3:25         5:14,15,18,18       6:1,7,12,18,24       W       3:16,17,17       0       9         6:25 7:1,3,5,6       Wachtel 53:1       Wait 16:17       34:1 35:5,6,7       10-year 57:12       9         7:9,12,15,21       Wait 16:17       34:1 35:5,6,7       10-year 57:12       26:20         15:5 17:7,9       want 21:20,22       wife's 24:10       12:07 62:4       32:20 16:1         19:11 24:19       24:14 33:9       win 39:7       12:07 62:4       32:20 16:1         25:14,17,25       34:5 54:10       wives 8:8 16:12       39:20 16:1         26:11,17,20,22       25:4 61:1,1       women 3:12       45:19         29:12,16 30:4       16:15 33:2       42:1       42:7         31:13 32:7,23       34:25 47:13,25       48:3,4,4 50:23       57:14         35:2 38:4,5,5       38:4,5,5       38:4 42:19       56:25 58:21         46:8,9 47:17       48:24,25 49:7       49:10,14,17,18       48:34,24       51:20 57:3       50:21         49:10,14,17,18       Washington 1:8       1:16,18       13:11 20:10       49:8,18 50:21	· ·			57:14	7
5:14,15,18,18         60:21         wife 6:14 13:15         8           5:19,22,23,24         W         33:16,17,17         0         9           6:25 7:1,3,5,6         Wachtel 53:1         Wait 16:17         23:6,7,20,22         23:23 25:22         1           7:9,12,15,21         Wait 16:17         wall 12:3,7,8         10-year 57:12         9         26:20           7:24,25 14:8         want 21:20,22         34:1 35:5,6,7         54:5         11:05 1:13 3:2         922 20:1           19:11 24:19         24:14 33:9         wife's 24:10         win 39:7         12:1371 1:4 3:4         922(g)(9) 3:11           25:14,17,25         34:5 54:10         wives 8:8 16:12         13-1203(a)         3:20 16:1           26:11,17,20,22         56:23 57:4         59:10         45:19           29:12,16 30:4         16:15 33:2         word 4:15,15,19         14 21:15,16,21           30:5,5,8,17         31:13 32:7,23         34:25 47:13,25         50:24 58:3         57:14           38:10 41:24         50:24 58:3         30:16,23,24         56:5 58:21           46:8,9 47:17         48:24,25 49:7         49:10,14,17,18         49:8,18 50:21           49:13,13,8,21         1:16,18         1:16,18         13:11 20:10         49:8,18 50:21 <td></td> <td></td> <td>_</td> <td></td> <td> </td>			_		
S:19,22,23,24       W       W       13:16,17,17       0       9         6:1,7,12,18,24       Wachtel 53:1       Wachtel 53:1       10-year 57:12       9       921(a)(33)(A)         7:9,12,15,21       Wait 16:17       wall 12:3,7,8       10-year 57:12       11:05 1:13 3:2       26:20       922 20:1         19:11 24:19       24:14 33:9       34:5 54:10       wife's 24:10       12:07 62:4       922(g)(9) 3:11         25:14,17,25       34:5 54:10       win 39:7       wives 8:8 16:12       13-1203(a)       3:20 16:1         26:11,17,20,22       56:23 57:4       women 3:12       45:19       3:20 16:1         29:12,16 30:4       16:15 33:2       48:34,4 50:23       59:10       42:15,15,16,21         30:5,5,8,17       31:13 32:7,23       34:25 47:13,25       48:3,4,4 50:23       57:14         38:10 41:24       48:3,4,4 50:23       30:16,23,24       56:5 58:21         46:8,9 47:17       48:24,25 49:7       38:4 42:19       51:20 57:3         49:10,14,17,18       washing 44:24       Washington 1:8       1:16,18         51:9,13,18,21       1:16,18         13:11 20:10       49:8,18 50:21		•		<u>Z</u>	8
6:1,7,12,18,24 6:25 7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 4:54 59:56:56 58:21 48:461:1,1 48:44 24 49:10,14,17,18 51:9,13,18,21 4:55 59:10  Wakt 16:17 Wait 16:17 Wait 16:17 Wait 16:17 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:2,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:2 34:1 35:5,6,7 54:5 34:1 35:2 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:2 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:2 34:1 35:5,6,7 54:5 34:1 35:2 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5,6,7 54:5 34:1 35:5 36:2 34:1 35:1 3:1 3:20 16:1 27:11 61:25 32:10 32:0 16:1 32:0	5:19,22,23,24			0	
6:25 7:1,3,5,6 7:9,12,15,21 7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21  23:23 25:22 34:1 35:5,6,7 54:5 54:5 54:5 54:5 54:5 54:5 54:5 54:		W	, ,		9
7:9,12,15,21 7:24,25 14:8		Wachtel 53:1		1	921(a)(33)(A)
7:24,25 14:8 15:5 17:7,9 19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 51:5 17:7,9 want 21:20,22 24:14 33:9 24:14 33:9 34:5 54:10 56:23 57:4 59:10 wife's 24:10 win 39:7 wives 8:8 16:12 59:10 women 3:12 22:12 word 4:15,15,19 4:25 27:16 28:1,2 29:9 30:16,23,24 38:4 42:19 51:20 57:3 words 8:13 13:11 20:10  11:05 1:13 3:2 12-1371 1:4 3:4 12:07 62:4 13-1203(a) 45:19 42:115,16,21 42:7 15 1:9 15:3 57:14 15-year 52:10,22 56:5 58:21 16 32:7 49:8,19 50:21 18 15:3 32:6 49:8,18 50:21	7:9,12,15,21	<b>Wait</b> 16:17			` ' ` ' ' '
15:5 17:7,9       want 21:20,22       wife's 24:10       12-1371 1:4 3:4       922(g)(9) 3:11         19:11 24:19       24:14 33:9       34:5 54:10       win 39:7       12:07 62:4       3:20 16:1         25:14,17,25       34:5 54:10       wives 8:8 16:12       13-1203(a)       27:11 61:25         26:11,17,20,22       58:4 61:1,1       women 3:12       45:19       42:7         29:12,16 30:4       16:15 33:2       word 4:15,15,19       42:7       15 1:9 15:3         31:13 32:7,23       34:25 47:13,25       48:3,4,4 50:23       57:14       57:14         35:2 38:4,5,5       48:3,4,4 50:23       30:16,23,24       56:5 58:21         46:8,9 47:17       washes 52:21       38:4 42:19       16 32:7 49:8,19         49:10,14,17,18       51:9,13,18,21       51:20 57:3       words 8:13         51:9,13,18,21       1:16,18       1:16,18       13:11 20:10       49:8,18 50:21	7:24,25 14:8	wall 12:3,7,8			
19:11 24:19 25:14,17,25 26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 52:14 33:9 34:5 54:10 56:23 57:4 56:23 57:4 59:10 wives 8:8 16:12 59:10 women 3:12 22:12 word 4:15,15,19 4:25 27:16 28:1,2 29:9 30:16,23,24 30					
25:14,17,25       34:5 54:10       wives 8:8 16:12       27:11 61:25         26:11,17,20,22       56:23 57:4       59:10       45:19         28:18 29:2,4,9       58:4 61:1,1       women 3:12       42:7         29:12,16 30:4       wanted 7:24       16:15 33:2       word 4:15,15,19         31:13 32:7,23       34:25 47:13,25       48:3,4,4 50:23       57:14         35:2 38:4,5,5       48:3,4,4 50:23       50:24 58:3       30:16,23,24         46:8,9 47:17       washes 52:21       38:4 42:19       50:21         48:24,25 49:7       washing 44:24       Washington 1:8       1:16,18         51:9,13,18,21       1:16,18       1:16,18       13:11 20:10	19:11 24:19	· ·			
26:11,17,20,22 28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 34:25 47:13,25 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 51:9,13,18,21 55:23 57:24 58:3 51:9,13,18,21 55:23 57:24 58:3 57:24	25:14,17,25	34:5 54:10			
28:18 29:2,4,9 29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 58:4 61:1,1 wanted 7:24 16:15 33:2 34:25 47:13,25 48:3,4,4 50:23 50:24 58:3 washes 52:21 washing 44:24 Vashington 1:8 51:9,13,18,21 58:4 61:1,1 wanted 7:24 16:15 33:2 22:12 word 4:15,15,19 4:25 27:16 28:1,2 29:9 30:16,23,24 38:4 42:19 51:20 57:3 words 8:13 13:11 20:10 14 21:15,16,21 42:7 15 1:9 15:3 57:14 15-year 52:10,22 56:5 58:21 16 32:7 49:8,19 50:21 18 15:3 32:6 49:8,18 50:21	26:11,17,20,22	56:23 57:4		` '	
29:12,16 30:4 30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 51:16,18  wanted 7:24 16:15 33:2 34:25 47:13,25 42:7 42:7 42:7 42:7 42:7 42:7 42:7 42:7	28:18 29:2,4,9	58:4 61:1,1			
30:5,5,8,17 31:13 32:7,23 35:2 38:4,5,5 38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 51:9,13,18,21 16:15 33:2 34:25 47:13,25 48:3,4,4 50:23 50:24 58:3 washes 52:21 washing 44:24 Washington 1:8 1:16,18 1:16,18  word 4:15,15,19 4:25 27:16 28:1,2 29:9 30:16,23,24 38:4 42:19 51:20 57:3 words 8:13 13:11 20:10 15 1:9 15:3 57:14 15-year 52:10,22 56:5 58:21 16 32:7 49:8,19 50:21 18 15:3 32:6 49:8,18 50:21	29:12,16 30:4	wanted 7:24		, ,	
31:13 32:7,23       34:25 47:13,25       4:25 27:16       57:14         35:2 38:4,5,5       48:3,4,4 50:23       28:1,2 29:9       50:24 58:3       30:16,23,24         46:8,9 47:17       washes 52:21       38:4 42:19       56:5 58:21         48:24,25 49:7       washing 44:24       51:20 57:3       50:21         49:10,14,17,18       Washington 1:8       1:16,18       13:11 20:10         49:8,18 50:21	30:5,5,8,17	16:15 33:2			
35:2 38:4,5,5       48:3,4,4 50:23       28:1,2 29:9       15-year 52:10,22         38:10 41:24       50:24 58:3       30:16,23,24       56:5 58:21         46:8,9 47:17       washes 52:21       38:4 42:19       16 32:7 49:8,19         48:24,25 49:7       washing 44:24       51:20 57:3       50:21         49:10,14,17,18       Washington 1:8       1:16,18       13:11 20:10         49:8,18 50:21	31:13 32:7,23	34:25 47:13,25	, ,		
38:10 41:24 46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21  50:24 58:3 30:16,23,24 38:4 42:19 51:20 57:3 words 8:13 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18	· ·	48:3,4,4 50:23			
46:8,9 47:17 48:24,25 49:7 49:10,14,17,18 51:9,13,18,21 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18 1:16,18			,	•	
48:24,25 49:7 49:10,14,17,18	46:8,9 47:17	washes 52:21			
49:10,14,17,18 Washington 1:8 words 8:13 13:11 20:10 49:8,18 50:21	48:24,25 49:7	washing 44:24		, , , , , , , , , , , , , , , , , , ,	
51:9,13,18,21 1:16,18 13:11 20:10 49:8,18 50:21	'	0			
54 5 25 50 22	51:9,13,18,21	1:16,18			
	54:5,25 59:22	wasn't 54:8			
		<u> </u>	<u> </u>	<u> </u>	<u> </u>